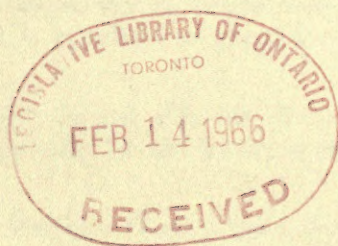


Fine Binding

THE CARSWELL COMPANY LIMITED



7197

No. 1.

1922.

BILL

An Act respecting The Waterloo County Loan and Savings Company.

WHEREAS The Waterloo County Loan and Savings Company has by its petition represented that it was incorporated as a loan corporation by letters patent dated the 7th day of April, 1913, issued under *The Loan and Trust Corporations Act*, and that its present paid-up capital is \$668,595 with a reserve of \$120,000; and whereas the Company has by its petition represented that it is desirous of obtaining power to carry on the business of a trust company under *The Loan and Trust Corporations Act* and amendments thereto, and of surrendering its powers to carry on business as a loan corporation under the said Act, and of changing its name to The Waterloo Trust and Savings Company; and whereas the Company has prayed that an Act be passed for such purposes; and whereas it is expedient to grant the prayer of the said petition; Preamble.
Rev. Stat.,
1914, c. 184.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The name of The Waterloo County Loan and Savings Company is hereby changed to The Waterloo Trust and Savings Company. Name
Changed.

2. The Company, upon registration as hereinafter provided, shall be and it is hereby authorized and empowered to carry on the business of a trust company under *The Loan and Trust Corporations Act* and amendments thereto, and to exercise all of the powers set out in clauses (a) to (k) inclusive of subsection 1 of section 18 of *The Loan and Trust Corporations Act* and all the other powers, rights and privileges which a trust company may exercise under *The Loan and Trust Corporations Act* and amendments thereto. Power to do
business as
Trust Co.
Rev. Stat.
1914, c. 184.

3. Save as hereinafter provided, the Company shall not, after registration as a trust company exercise the powers of a loan corporation under the said *The Loan and Trust Corporations Act* in so far as such powers exceed or differ from those conferred upon a trust company by the said Act. Power as
Loan Co. to
cease with
exceptions.

Securities as
guarantee of
debentures.
Rev. Stat.
1914, c. 121.

4. The Company shall definitely set aside and ear-mark in respect of its debentures outstanding from time to time securities, including loans upon securities, authorized as trustee investments under *The Trustee Act*, equal to the full aggregate amount thereof. The Company shall not issue any further debentures or renew any of its outstanding debentures.

Acceptance as
Trust Co.
for purpose.

5. Notwithstanding that the Company has issued and outstanding debentures, the Lieutenant-Governor in Council may approve the Company being accepted as a trust company for the purposes of The Supreme Court of Ontario as provided in Section 20 of *The Loan and Trust Corporations Act*.

Restriction as
to taking
deposits.

6. After registration as a trust company, the Company shall not have power to take deposits by way of borrowing moneys, and all deposits then held by the Company shall be held by it as trustee for the several depositors, and repayment thereof shall by virtue of this Act be guaranteed by the Company, and there shall be ear-marked and definitely set aside in respect of such deposits, securities, including loans upon securities or cash including money on deposit with any chartered bank, and securities including loans upon securities, equal to the aggregate amount thereof.

Registration
as Trust Co.

7.—(1) Upon the Company complying with the provisions of this Act, the Registrar of Trust and Loan Corporations shall cause the Company to be registered in the Trust Companies Register, and thereupon the Company shall, except as herein otherwise provided, comply with and be subject to the provisions of the said *The Loan and Trust Corporations Act* applicable to trust companies incorporated pursuant to the said Act.

Cancellation
of registration
as Loan
Corporation.

(2) Upon registration of the Company as a trust company, the Registrar shall cancel the registration of the Company as a loan corporation.

Date when
Act takes
effect.

8. This Act shall come into force on the day upon which it receives the Royal Assent.

Office of the Director of the
Bureau of the Census
Washington, D. C.

Mr. [Name]

([Address])

1920
1921
1922
1923
1924
1925
1926
1927
1928
1929
1930

For the purpose of the
Census of 1930

and to determine the
population of the United States

No. 1.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting The Waterloo County
Loan and Savings Company.

1st Reading,	1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Private Bill.*)

MR. ASMUSSEN.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Municipality of Shuniah.

WHEREAS the Corporation of the Municipality of Shuniah, in the District of Thunder Bay, has by its petition prayed for special legislation confirming all tax sales held by it prior to the 31st day of December, 1919, and it is deemed expedient to grant the prayer of the said petition.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All sales of lands within the Municipality of Shuniah, held prior to the 31st day of December 1919, and which purport to be made by the corporation of the said municipality or any official or officials thereof for arrears of taxes in respect to lands so sold, are validated and confirmed, and all deeds of lands so sold, executed by the reeve and treasurer of the said municipality, purporting to convey the said lands so sold to the purchaser thereof, or his assigns, are validated and confirmed, and shall have the effect of vesting the lands so sold and conveyed or purported to be sold and conveyed, and the same are vested in the purchaser or his assigns and his and their heirs and assigns, in fee simple free and clear of and from all right, title and interest whatsoever of the owners thereof at the time of such sale, or their assigns, and of all charges and encumbrances thereon except taxes accrued since those for non-payment whereof the said lands were sold. Tax sales and deeds confirmed.

2. Section 1 shall extend and apply to cases where the municipality or any one in trust for it or on its behalf became the purchaser of the lands. Purchases by municipality.

3. Nothing in this Act contained shall affect any action, litigation or other proceeding now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and to the same extent as if this Act had not been passed. Pending litigation not affected.

No. 2.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting the Municipality of
Shuniah.

1st Reading,	1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Private Bill.*)

MR. HOGARTH.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Municipality of Shuniah.

WHEREAS the Corporation of the Municipality of ^{Preamble.} Shuniah, in the District of Thunder Bay, has by its petition prayed for special legislation confirming all tax sales held by it prior to the 31st day of December, 1919, and it is deemed expedient to grant the prayer of the said petition.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—


1. All sales of lands within the Municipality of Shuniah, ^{Tax sales and deeds confirmed.} held prior to the 31st day of December 1919, and which purport to be made by the corporation of the said municipality or any official or officials thereof for arrears of taxes in respect to lands so sold, are validated and confirmed, and all deeds of lands so sold, executed by the reeve and treasurer of the said municipality, purporting to convey the said lands so sold to the purchaser thereof, or his assigns, are validated and confirmed, and shall have the effect of vesting the lands so sold and conveyed or purported to be sold and conveyed, and the same are vested in the purchaser or his assigns and his and their heirs and assigns, in fee simple free and clear of and from all right, title and interest whatsoever of the owners thereof at the time of such sale, or their assigns, and of all charges and encumbrances thereon except taxes accrued since those for non-payment whereof the said lands were sold.

2. Section 1 shall extend and apply to cases where the ^{Purchases by municipality.} municipality or any one in trust for it or on its behalf became the purchaser of the lands.


Pending
litigation
not affected.

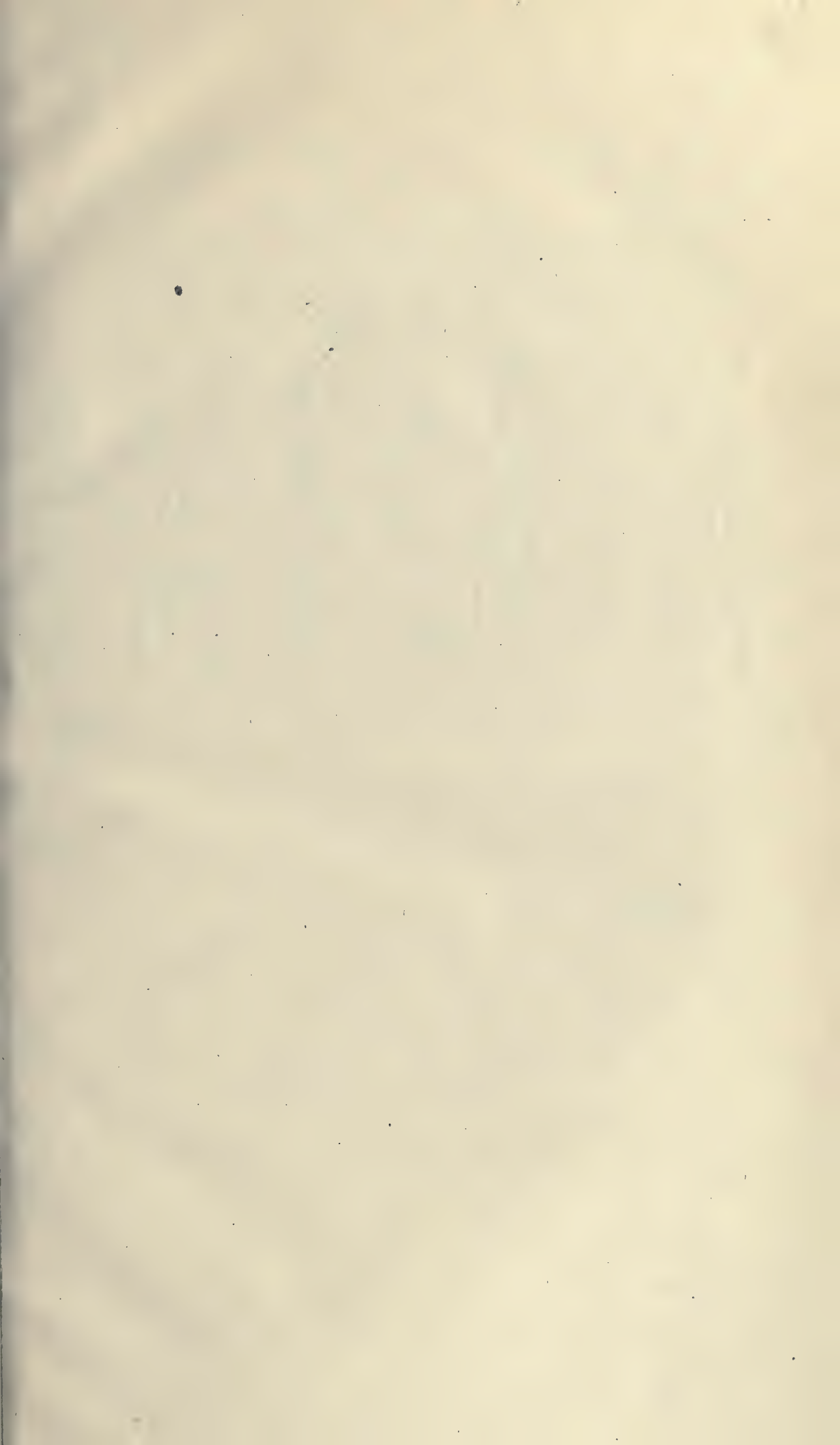
3. Nothing in this Act contained shall affect any action, litigation or other proceeding now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and to the same extent as if this Act had not been passed.

Act not to
apply to
lands for-
feited under
Rev. Stat.
c. 26.

 **4.** This Act shall not apply to lands forfeited to the Crown under The Mining Tax Act.

Commence-
ment of Act.

5. This Act shall come into force and take effect from and after the 1st day of July, 1922. 



No. 2.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting the Municipality of
Shuniah.

1st Reading,	23rd February, 1922.
2nd Reading,	1922.
3rd Reading,	1922.

*(Reprinted as amended by the Private
Bills Committee.)*

MR. HOGARTH.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the County of Grey.

WHEREAS the Corporation of the County of Grey has, Preamble.
by its Petition, prayed that an Act may be passed confirming By-law number nine hundred and sixty-seven (967) of the Corporation of the County of Grey, passed on the 24th day of June, A.D. 1921, for the purpose of raising, by way of debentures, the sum of \$60,000 to defray expenditures in respect to County Buildings, Children's Shelter, County Roads, War Patriotic purposes and other general purposes of the said County, and whereas the said Corporation has issued and sold the said debentures, but that doubts have been raised as to the validity of the said By-law and it is desirable that it should be confirmed; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. By-law number nine hundred and sixty-seven (967) of By-law
No. 967
confirmed.
the Corporation of the County of Grey, as set out in schedule "A" to this Act, and all debentures issued or to be issued thereunder are hereby confirmed and declared legal, valid, and binding upon the said Corporation and the ratepayers thereof.

2. No defect, illegality or irregularity in the said By-law Irregularity
in form not
to invalidate.
or in the debentures issued or to be issued under said By-law shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said Corporation for the recovery of the amount of the said debentures, or interest thereon or any or either of them or any part thereof, and it shall not be necessary for the purchasers of any of the said debentures to enquire into the proceedings relating to the passing of the said By-law, or the issue of such debentures, or to the application of the proceeds thereof.

3. This Act shall come into force and take effect on the day Date when
Act takes
effect.
on which it receives the Royal Assent.

SCHEDULE "A"

BY-LAW No. 967.

A By-law to raise the sum of Sixty Thousand dollars (\$60,000) for the purpose of defraying the General Expenditure in respect to the repairs made to County Buildings, Children's Shelter and County Roads in the County of Grey, and for general purposes, and to authorize the issue of debentures therefor.

Whereas it is necessary to raise the sum of Sixty Thousand (\$60,000) dollars for the purpose of defraying expenditures in respect to County Buildings, Children's Shelter and County Roads and for other general purposes of the said County and in order thereto, it will be necessary to issue debentures of the Municipality of the County of Grey for the sum of Sixty Thousand dollars (\$60,000), payable as hereinafter provided;

And whereas it will be necessary to raise annually during the term of twenty years by special rate, for paying the said debt and interest, the sum of Five Thousand Six Hundred and Twenty-five dollars (\$5,625);

And whereas the amount of the whole rateable property of the said Municipality of the County of Grey, according to the last revised and equalized assessments, amounts to the sum of Twenty-nine Million, Three Hundred and Fifty-four Thousand Nine Hundred dollars, (\$29,354,900);

And whereas the total debenture debt of the said Municipality amounts to the sum of Two Hundred and Seventy-five Thousand dollars (\$275,000), and no portion of the principal or interest thereof is in arrears;

The Council of the Corporation of the County of Grey, therefore enacts as follows:—

1. It shall be lawful for the Warden of the said County of Grey, for the purpose aforesaid, to borrow the said sum of Sixty Thousand dollars (\$60,000), and to issue debentures of the said Municipality to the amount of Sixty Thousand dollars, (\$60,000) in sums of not less than Five Hundred dollars (\$500) each.

2. The said debentures shall bear date on the day of the issue thereof and shall be payable at the expiration of twenty years (20) from the day of such issue, and bear interest at the rate of six per cent. (6%) per annum, payable half-yearly at the expiration of six (6) months from the date of such issue, computed from such issue, and at the expiration of each subsequent six (6) months during the currency of said debentures.

3. The said debentures, as to principal and interest, shall be payable at the Merchants Bank of Canada, at the City of Owen Sound.

4. The Warden of the said Municipality of the County of Grey is authorized and hereby instructed to sign and issue the said debentures hereby authorized to be issued, and to cause the same and the interest coupons thereto attached, to be signed by the Treasurer of the said Municipality; and the Clerk of the said Municipality is hereby authorized and instructed to attach the seal of the said Municipality to the said debentures.

5. There shall be raised and levied annually by a special rate on all rateable property in the said Municipality, the sum of Thirty-six Hundred dollars (\$3,600), for the payment of interest during the currency of the said debentures, and the sum of Two Thousand and Twenty-five dollars (\$2,025) for the payment of the said debt.

6. This By-law shall come into force and take effect on the twenty-fourth day of June, A.D. 1921.

Passed in open Council this twenty-fourth day of June, A.D. 1921.

(Sgd.) W. H. SING,
Warden.

(Sgd.) FRED. H. RUTHERFORD,
County Clerk.

No. 3.

3rd Session, 16th Legislature,
12 George V, 1922.

BILL.

An Act respecting the County of Grey.

1st Reading,	1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Private Bill.*)

MR. TAYLOR.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the County of Grey.

WHEREAS the Corporation of the County of Grey has, Preamble.
by its Petition, prayed that an Act may be passed confirming By-law number nine hundred and sixty-seven (967) of the Corporation of the County of Grey, passed on the 24th day of June, A.D. 1921, for the purpose of raising, by way of debentures, the sum of \$60,000 to defray expenditures in respect to County Buildings; Children's Shelter, County Roads, War Patriotic purposes and other general purposes of the said County, and whereas the said Corporation has issued and sold the said debentures, but that doubts have been raised as to the validity of the said By-law and it is desirable that it should be confirmed; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. By-law number nine hundred and sixty-seven (967) of By-law No. 967 confirmed.
the Corporation of the County of Grey, as set out in schedule "A" to this Act, and all debentures issued or to be issued thereunder are hereby confirmed and declared legal, valid, and binding upon the said Corporation and the ratepayers thereof.

2. No defect, illegality or irregularity in the said By-law Irregularity in form not to invalidate.
or in the debentures issued or to be issued under said By-law shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said Corporation for the recovery of the amount of the said debentures, or interest thereon or any or either of them or any part thereof, and it shall not be necessary for the purchasers of any of the said debentures to enquire into the proceedings relating to the passing of the said By-law, or the issue of such debentures, or to the application of the proceeds thereof.

3. This Act shall come into force and take effect on *and* Date when Act takes effect.
after the first day of July, 1922.

SCHEDULE "A"

BY-LAW No. 967.

A By-law to raise the sum of Sixty Thousand dollars (\$60,000) for the purpose of defraying the General Expenditure in respect to the repairs made to County Buildings, Children's Shelter and County Roads in the County of Grey, and for general purposes, and to authorize the issue of debentures therefor.

Whereas it is necessary to raise the sum of Sixty Thousand (\$60,000) dollars for the purpose of defraying expenditures in respect to County Buildings, Children's Shelter and County Roads and for other general purposes of the said County and in order thereto, it will be necessary to issue debentures of the Municipality of the County of Grey for the sum of Sixty Thousand dollars (\$60,000), payable as hereinafter provided;

And whereas it will be necessary to raise annually during the term of twenty years by special rate, for paying the said debt and interest, the sum of Five Thousand Six Hundred and Twenty-five dollars (\$5,625);

And whereas the amount of the whole rateable property of the said Municipality of the County of Grey, according to the last revised and equalized assessments, amounts to the sum of Twenty-nine Million, Three Hundred and Fifty-four Thousand Nine Hundred dollars, (\$29,354,900);

And whereas the total debenture debt of the said Municipality amounts to the sum of Two Hundred and Seventy-five Thousand dollars (\$275,000), and no portion of the principal or interest thereof is in arrears;

The Council of the Corporation of the County of Grey, therefore enacts as follows:—

1. It shall be lawful for the Warden of the said County of Grey, for the purpose aforesaid, to borrow the said sum of Sixty Thousand dollars (\$60,000), and to issue debentures of the said Municipality to the amount of Sixty Thousand dollars, (\$60,000) in sums of not less than Five Hundred dollars (\$500) each.

2. The said debentures shall bear date on the day of the issue thereof and shall be payable at the expiration of twenty years (20) from the day of such issue, and bear interest at the rate of six per cent. (6%) per annum, payable half-yearly at the expiration of six (6) months from the date of such issue, computed from such issue, and at the expiration of each subsequent six (6) months during the currency of said debentures.

3. The said debentures, as to principal and interest, shall be payable at the Merchants Bank of Canada, at the City of Owen Sound.

4. The Warden of the said Municipality of the County of Grey is authorized and hereby instructed to sign and issue the said debentures hereby authorized to be issued, and to cause the same and the interest coupons thereto attached, to be signed by the Treasurer of the said Municipality; and the Clerk of the said Municipality is hereby authorized and instructed to attach the seal of the said Municipality to the said debentures.

No. 3.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting the County of Grey.

1st Reading,	28th February, 1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Reprinted as amended
by the Private Bills Committee.*)

MR. TAYLOR.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the City of Fort William.

WHEREAS the Corporation of the City of Fort William ^{Preamble.} has by petition represented that By-law No. 2102 of the said City, set out in Schedule "A" hereto, was duly published, as required by law, in a newspaper published at Fort William prior to the date of voting thereon; that the said By-law was submitted to the electors of the said City entitled to vote thereon on the 27th day of July, 1921, when out of a total of 4,379 votes entitled to be polled in respect of such By-law, 557 votes were polled in favor thereof and 409 were polled against the same; that the said By-law was finally passed by the Council of the said City on the 23rd day of August, 1921; and that no application has been made to quash the said By-law, nor is any action pending wherein the validity of the said By-law is or may be called in question; and whereas the said Corporation has by petition further represented that all tax sales of land situate in the said City and all Assessment and Collectors' Rolls and Collectors' Returns should be validated; and whereas the said Corporation has by petition further represented that the existing debenture debt of the said City is \$5,950,064.34, made up as follows:—

Street Railway Debenture Debt	\$1,317,000 00
Waterworks Debenture Debt	1,427,809 60
Electric Light Debenture Debt	298,249 50
General Debenture Debt	1,581,229 53
Telephone Debenture Debt	390,000 00
School Debenture Debt	935,775 71

of which no part of the principal or interest is in arrear and for the payment of which a sinking fund of \$2,688,954.63 has been provided; and whereas the said Corporation has by petition prayed for special legislation in respect of the above and other matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law
No. 2102
confirmed.

1.—(1) By-law No. 2102 of the said City intituled *A By-law to raise the sum of \$30,000 by way of debentures for Street Railway Purposes*, as set out in Schedule "A" hereto, is hereby declared to be and to have always been since the 23rd day of August, 1921, a legal, valid and existing By-law of the said City, and the debentures which have been or may hereafter be issued thereunder shall, from the date of such issue, be valid and binding upon the Corporation of the City of Fort William and the ratepayers thereof.

Purchase of
right of way.

(2) The Corporation of the City of Fort William may purchase and acquire a right-of-way necessary for the Street Railway Extension mentioned in said By-law No. 2102, as well as to furnish a Public Highway from the present City limits to the said Park.

Right of way
to form part
of City.

(3) Any right-of-way so acquired, or which may or shall hereafter be acquired, shall, as soon as the same is granted to or acquired by the said Corporation, be and become and form part of the Corporation of the City of Fort William and be deemed to be within the limits of the said City.

Construction
and operation
of railway
extension.

(4) The Corporation of the City of Fort William may construct, maintain, renew and operate the said Street Railway Extension referred to in the said By-law No. 2102.

Use of monies
borrowed
under By-law
1390 for
purposes of
By-law 2102.

(5) The Council of the Corporation of the City of Fort William may use \$30,000 of Street Railway moneys now on hand, raised under By-law No. 1390, for the purposes mentioned in said By-law No. 2102 in lieu of issuing the debentures for the \$30,000 mentioned in said By-law No. 2102.

Confirmation
of assessments
and collectors'
rolls.

2. All Assessment Rolls of the Corporation of the City of Fort William heretofore finally revised, all Collectors' Rolls of the Corporation of the City of Fort William heretofore returned by the collectors thereof, and all Collectors' Returns of the Corporation of the City of Fort William heretofore made are hereby validated and confirmed and declared to be binding upon and conclusive against all persons, parties or Corporations affected thereby, notwithstanding any irregularity, fault or omission in the said Assessment Rolls, Collectors' Rolls or Collectors' Returns or in any matter or thing done or omitted to be done in relation thereto (including failure to distrain) and notwithstanding anything contained in any Act or Acts to the contrary.

3.—(1) All sales of land made prior hereto and which purported to have been made by the Corporation of the City of Fort William for arrears of taxes in respect of the lands so sold, are hereby validated and confirmed, and all deeds of the lands so sold, executed by the proper officers of the Corporation of the City of Fort William, purporting to convey the said lands so sold to the purchaser thereof, or his assigns, are hereby validated and confirmed, and shall be deemed to have had the effect of vesting the lands so sold and conveyed or purported to have been sold and conveyed, and the same are hereby vested in the purchaser or his assigns and his and their heirs and assigns in fee simple, free from and clear of and from all right, title and interest whatsoever of the owners thereof at the time of such sale, or their assigns and of all charges and encumbrances thereon and dower therein, except taxes accrued since those for non-payment whereof the said lands were so sold. Tax sales and deeds confirmed.

(2) This section shall extend and apply to cases where the Corporation of the City of Fort William or any one in trust for it or on its behalf, became the purchaser or grantee of any of such lands. Case of municipality as purchaser.

(3) Nothing in this section contained shall affect any action, litigation or other proceeding now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and to the same extent as if this Act had not been passed. Pending litigation not affected.

4. This Act may be cited as *The City of Fort William Act*, Short title. 1922.

SCHEDULE "A"

CITY OF FORT WILLIAM BY LAW No. 2102.

A By-law to raise the sum of \$30,000 by way of debentures for Street Railway purposes.

Whereas the Council of the said City is of opinion that the City street Railway should be extended to Mission Park at a cost including the costs of preparing and submitting this By-law and selling the debentures, thereunder of \$30,000;

And whereas the said sum of \$30,000 is the amount of the debt intended to be created hereby;

And whereas the amount of the whole rateable property of the said City of Fort William, according to the last revised assessment roll is \$30,429,660, plus a sufficient further amount to produce \$30,000 in taxes each year, such said sum of \$30,000 being the fixed sum which the Canadian Pacific Railway Company is bound to pay yearly in lieu of all Municipal taxation;

And whereas the existing debenture debt of the said City, exclusive of local improvement debentures, amounts to \$5,950,064.34 made up as follows:—

Street Railway Debenture debt	\$1,317,000 00
Waterworks Debenture debt	1,427,809 60
Electric Light Debenture debt	298,249 50
General Debenture debt	1,623,695 65
Telephone Debenture debt	390,000 00
School Debenture debt	893,309 59

of which no part of the principal or interest is in arrear and for the payment of which a sinking fund of \$2,688,954.63 has been provided;

And whereas in order to provide for the said debt it is expedient to issue debentures of the said Corporation to the amount of \$30,000 bearing interest at six per centum per annum, payable half-yearly;

And whereas it will require the sum of \$1,800.00 to be raised annually for a period of thirty years (the currency of the debentures to be issued under and by virtue of this By-law) to pay the interest on the said debt, and the sum of \$534.90 to be raised annually during the said period for the payment of the said debt intended to be created by this By-law, such last mentioned sum being sufficient with the estimated interest on the investment thereof, to discharge the said debt when the same becomes due and payable, making in all the sum of \$2,334.90 to be raised annually as aforesaid for the payment of the said debt and interest;

And whereas it will require the sum of \$2,334.90 to be raised annually for a period of thirty years by a special rate on the whole rateable property in the said City for the payment of the said debt and interest as aforesaid;

Therefore, The Corporation of the City of Fort William enacts as follows:—

1. The Corporation of the City of Fort William may borrow the said sum of \$30,000 on the credit of the said Corporation for the purposes aforesaid and may issue debentures of the said Corporation to the extent of \$30,000 in either currency or Sterling money, in sums of not less than \$100.00 Canadian currency or £20 Sterling, each payable within thirty years from the date of issuing such debentures, and to bear interest at six per centum per annum, payable half-yearly;

2. The said debentures shall all bear the same date and shall be issued within two years after the day on which this By-law is passed and may bear any date within such two years, and shall be signed by the Mayor and the Treasurer and sealed with the Seal of the Corporation.

3. During the said period of Thirty years (the currency of the debentures to be issued hereunder) there shall be raised and levied annually upon the whole rateable property in the said City, in addition to all other rates, levies and assessments, the said sum of \$1,800.00 to pay the interest on the said debentures and also the further sum of \$534.90 as a sinking fund for the payment of the said debt at the maturity thereof, making in all the sum of \$2,334.90 to be raised annually as aforesaid.

4. The said debentures shall have attached thereto coupons for the payment of the interest thereon. The signature of the Treasurer upon the coupons may be printed, lithographed or engraved, and the said debentures, as to principal and interest, shall be payable at the following places, namely; Office of the City Treasurer,

Fort William, Canada; Bank of Montreal, Montreal, Canada; Toronto, Canada; London, England; and New York City, respectively.

5. Every debenture to be issued hereunder shall contain a provision in the following words:—"This debenture or any interest therein shall not, after a certificate of ownership has been endorsed thereon by the Treasurer of this Municipal Corporation, be transferable except by entry by the Treasurer or his Deputy in the Debenture Registry Book of the said Corporation, at the said City of Fort William," or to like effect.

6. This By-law shall come into force on the day of the final passing thereof.

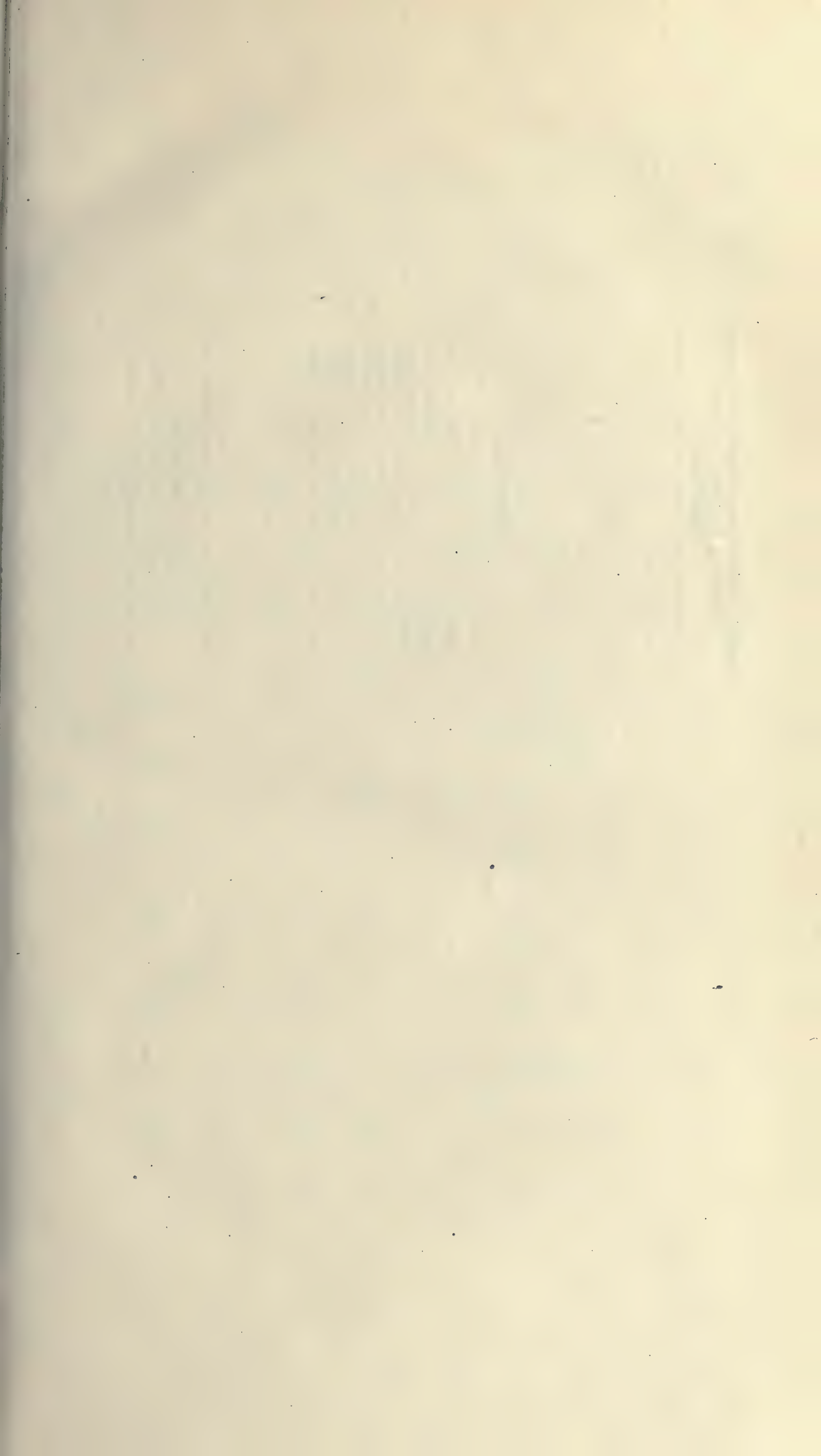
Done and passed in Council this 23rd day of August, A.D. 1921, as witnessed by the hands of the Mayor and Clerk of the said City and its Corporate Seal.

(Sgd.) A. M. DENNIS,
Mayor.

[Seal]

(Sgd.) A. McNAUGHTON,
Clerk.

*Registered as No. 912 Debenture Book No. 1.
Fort William Registry Office, Aug. 29, 1921.*



No. 4.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting the City of Fort
William.

1st Reading,	1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Private Bill.*)

MR. HEENAN.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the City of Fort William.

WHEREAS the Corporation of the City of Fort William Preamble. has by petition represented that By-law No. 2102 of the said City, set out in Schedule "A" hereto, was duly published, as required by law, in a newspaper published at Fort William prior to the date of voting thereon; that the said By-law was submitted to the electors of the said City entitled to vote thereon on the 27th day of July, 1921, when out of a total of 4,379 votes entitled to be polled in respect of such By-law, 557 votes were polled in favor thereof and 409 were polled against the same; that the said By-law was finally passed by the Council of the said City on the 23rd day of August, 1921; and that no application has been made to quash the said By-law, nor is any action pending wherein the validity of the said By-law is or may be called in question; and whereas the said Corporation has by petition further represented that all tax sales of land situate in the said City and all Assessment and Collectors' Rolls and Collectors' Returns should be validated; and whereas the said Corporation has by petition further represented that the existing debenture debt of the said City is \$5,950,064.34, made up as follows:—

Street Railway Debenture Debt	\$1,317,000 00
Waterworks Debenture Debt	1,427,809 60
Electric Light Debenture Debt	298,249 50
General Debenture Debt	1,581,229 53
Telephone Debenture Debt	390,000 00
School Debenture Debt	935,775 71

of which no part of the principal or interest is in arrear and for the payment of which a sinking fund of \$2,688,954.63 has been provided; and whereas the said Corporation has by petition prayed for special legislation in respect of the above and other matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law
No. 2102
confirmed.

1.—(1) By-law No. 2102 of the said City intituled *A By-law to raise the sum of \$30,000 by way of debentures for Street Railway Purposes*, as set out in Schedule "A" hereto, is hereby declared to be and to have always been since the 23rd day of August, 1921, a legal, valid and existing By-law of the said City, and the debentures which have been or may hereafter be issued thereunder shall, from the date of such issue, be valid and binding upon the Corporation of the City of Fort William and the ratepayers thereof.

Purchase of
right of way.

(2) The Corporation of the City of Fort William may purchase and acquire a right-of-way necessary for the Street Railway Extension mentioned in said By-law No. 2102, as well as to furnish a Public Highway from the present City limits to the said Park.

Right of way
to form part
of City.

(3) The right of way so acquired shall be deemed to be a common and public highway under the jurisdiction of the corporation of the said city and the said corporation may open up, establish, improve and maintain such public highway.

Construction
and operation
of railway
extension.

(4) The Corporation of the City of Fort William may construct, maintain, renew and operate the said Street Railway Extension referred to in the said By-law No. 2102, *on such highway*.

Use of monies
borrowed
under By-law
1390 for
purposes of
By-law 2102.

(5) The Council of the Corporation of the City of Fort William may use \$30,000 of Street Railway moneys now on hand, raised under By-law No. 1390, for the purposes mentioned in said By-law No. 2102 in lieu of issuing the debentures for the \$30,000 mentioned in said By-law No. 2102.

Confirmation
of assessments
and collectors'
rolls.

2. All Assessment Rolls of the Corporation of the City of Fort William heretofore finally revised, all Collectors' Rolls of the Corporation of the City of Fort William heretofore returned by the collectors thereof, and all Collectors' Returns of the Corporation of the City of Fort William heretofore made are hereby validated and confirmed and declared to be binding upon and conclusive against all persons, parties or Corporations affected thereby, notwithstanding any irregularity, fault or omission in the said Assessment Rolls, Collectors' Rolls or Collectors' Returns or in any matter or thing done or omitted to be done in relation thereto (including failure to distrain) and notwithstanding anything contained in any Act or Acts to the contrary.

3.—(1) All sales of land made prior to the 31st day of December, 1920, and which purported to have been made by the Corporation of the City of Fort William for arrears of taxes in respect of the lands so sold, are hereby validated and confirmed, and all deeds of the lands so sold, executed by the proper officers of the Corporation of the City of Fort William, purporting to convey the said lands so sold to the purchaser thereof, or his assigns, are hereby validated and confirmed, and shall be deemed to have had the effect of vesting the lands so sold and conveyed or purported to have been sold and conveyed, and the same are hereby vested in the purchaser or his assigns and his and their heirs and assigns in fee simple, free from and clear of and from all right, title and interest whatsoever of the owners thereof at the time of such sale, or their assigns and of all charges and encumbrances thereon and dower therein, except taxes accrued since those for non-payment whereof the said lands were so sold. ^{Tax sales and deeds confirmed.}

(2) This section shall extend and apply to cases where the Corporation of the City of Fort William or any one in trust for it or on its behalf, became the purchaser or grantee of any of such lands. ^{Case of municipality as purchaser.}

(3) Nothing in this section contained shall affect any action, litigation or other proceeding now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and to the same extent as if this Act had not been passed. ^{Pending litigation not affected.}

4. This Act may be cited as *The City of Fort William Act*, 1922. ^{Short title.}



5. This Act shall come into force and take effect on the day upon which it receives the Royal Assent. ^{Commencement of Act.}



SCHEDULE "A"

CITY OF FORT WILLIAM BY LAW NO. 2102.

A By-law to raise the sum of \$30,000 by way of debentures for Street Railway purposes.

Whereas the Council of the said City is of opinion that the City street Railway should be extended to Mission Park at a cost including the costs of preparing and submitting this By-law and selling the debentures, thereunder of \$30,000;

And whereas the said sum of \$30,000 is the amount of the debt intended to be created hereby;

And whereas the amount of the whole rateable property of the said City of Fort William, according to the last revised assessment roll is \$30,429,660, plus a sufficient further amount to produce \$30,000 in taxes each year, such said sum of \$30,000 being the fixed sum which the Canadian Pacific Railway Company is bound to pay yearly in lieu of all Municipal taxation;

And whereas the existing debenture debt of the said City, exclusive of local improvement debentures, amounts to \$5,950,064.34 made up as follows:—

Street Railway Debenture debt	\$1,317,000 00
Waterworks Debenture debt	1,427,809 60
Electric Light Debenture debt	298,249 50
General Debenture debt	1,623,695 65
Telephone Debenture debt	390,000 00
School Debenture debt	893,309 59

of which no part of the principal or interest is in arrear and for the payment of which a sinking fund of \$2,688,954.63 has been provided;

And whereas in order to provide for the said debt it is expedient to issue debentures of the said Corporation to the amount of \$30,000 bearing interest at six per centum per annum, payable half-yearly;

And whereas it will require the sum of \$1,800.00 to be raised annually for a period of thirty years (the currency of the debentures to be issued under and by virtue of this By-law) to pay the interest on the said debt, and the sum of \$534.90 to be raised annually during the said period for the payment of the said debt intended to be created by this By-law, such last mentioned sum being sufficient with the estimated interest on the investment thereof, to discharge the said debt when the same becomes due and payable, making in all the sum of \$2,334.90 to be raised annually as aforesaid for the payment of the said debt and interest;

And whereas it will require the sum of \$2,334.90 to be raised annually for a period of thirty years by a special rate on the whole rateable property in the said City for the payment of the said debt and interest as aforesaid;

Therefore, The Corporation of the City of Fort William enacts as follows:—

1. The Corporation of the City of Fort William may borrow the said sum of \$30,000 on the credit of the said Corporation for the purposes aforesaid and may issue debentures of the said Corporation to the extent of \$30,000 in either currency or Sterling money, in sums of not less than \$100.00 Canadian currency or £20 Sterling, each payable within thirty years from the date of issuing such debentures, and to bear interest at six per centum per annum, payable half-yearly;

2. The said debentures shall all bear the same date and shall be issued within two years after the day on which this By-law is passed and may bear any date within such two years, and shall be signed by the Mayor and the Treasurer and sealed with the Seal of the Corporation.

3. During the said period of Thirty years (the currency of the debentures to be issued hereunder) there shall be raised and levied annually upon the whole rateable property in the said City, in addition to all other rates, levies and assessments, the said sum of \$1,800.00 to pay the interest on the said debentures and also the further sum of \$534.90 as a sinking fund for the payment of the said debt at the maturity thereof, making in all the sum of \$2,334.90 to be raised annually as aforesaid.

4. The said debentures shall have attached thereto coupons for the payment of the interest thereon. The signature of the Treasurer upon the coupons may be printed, lithographed or engraved, and the said debentures, as to principal and interest, shall be payable at the following places, namely; Office of the City Treasurer,

Fort William, Canada; Bank of Montreal, Montreal, Canada; Toronto, Canada; London, England; and New York City, respectively.

5. Every debenture to be issued hereunder shall contain a provision in the following words:—"This debenture or any interest therein shall not, after a certificate of ownership has been endorsed thereon by the Treasurer of this Municipal Corporation, be transferable except by entry by the Treasurer or his Deputy in the Debenture Registry Book of the said Corporation, at the said City of Fort William," or to like effect.

6. This By-law shall come into force on the day of the final passing thereof.

Done and passed in Council this 23rd day of August, A.D. 1921, as witnessed by the hands of the Mayor and Clerk of the said City and its Corporate Seal.

(Sgd.) A. M. DENNIS,
Mayor.

[Seal]

(Sgd.) A. MCNAUGHTON,
Clerk.

*Registered as No. 912 Debenture Book No. 1.
Fort William Registry Office, Aug. 29, 1921.*





No. 4.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting the City of Fort
William.

1st Reading,	23rd February, 1922.
2nd Reading,	1922.
3rd Reading,	1922.

*(Reprinted as amended by
the Private Bills Committee.)*

MR. HEENAN.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting Victoria Hospital, Renfrew

WHEREAS the Corporation of the Town of Renfrew Preamble.
has, by its petition, shown that for some years past
Victoria Hospital has been conducted and carried on as a
general hospital by a committee of citizens called "The
Board of Management of Victoria Hospital," and whereas
the land and buildings of said Victoria Hospital are owned
by the said Corporation of the Town of Renfrew; and
whereas the said corporation has, by its petition, shown that
it is expedient and desirable to have a reorganization of
the said hospital and have the same conducted by the said
corporation as a civic hospital; and whereas it appears by
the said petition that on the second day of January, 1922,
there was submitted to the electors of the said municipal
corporation the following question; "Whether the Victoria
Hospital should be operated as a civic institution by an
elected body of Governors comprised of nine citizens," and
637 votes were cast in the affirmative and 73 in the negative;
and whereas the said corporation has, by its petition, prayed
that it may be enacted as hereinafter set forth; and whereas
it is expedient to grant the prayer of the petition:

Therefore, His Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:—

1. This Act may be cited as *The Victoria Hospital at Renfrew Act*. Short title.

2. The Corporation of the Town of Renfrew may carry Authority to carry on a Civic General Hospital.
on the said Victoria Hospital at Renfrew as a civic general
hospital, and may furnish, equip and maintain the same,
and may hereafter acquire by gift or purchase such other
lands as it may deem necessary, within said Town of Ren-
frew, or within the limits of the Township of Horton for
the use and purposes of said hospital, and may erect, equip,
furnish and maintain buildings thereon in connection with
said hospital.

Board of
Trustees.

3. The management and control of the said hospital including the power of making all appointments to the staff thereof, shall be vested in, and exercised by, a board of nine trustees elected from and by the ratepayers of the said town, and shall hold office as provided by section 5 of this Act, and each of such trustees must be a *bona fide* resident of the town.

Disqualifi-
cation.

4. No member of the council of the municipality shall be elected or hold office as trustee of said hospital, and no member of the staff of the hospital shall be eligible to be a trustee thereof.

Term of
office of
Trustees.

5. The term of office of the said nine trustees elected from the ratepayers of the said town, as provided by section 3 of this Act shall, in the first instance, be regulated as follows: Three of such trustees shall hold office until the end of the first year after their election: Three of such trustees shall hold office until the end of the second year after their election, and the remaining three shall hold office until the end of the third year after their election, and thereafter whenever the term of any such trustee shall expire, his or her successor shall be elected for a term of three years.

Annual
election of
Trustees.

6. The election for trustees shall be held annually at the same time and place and by the same returning officer or officers, and conducted in the same manner as the municipal nominations and elections of aldermen or councillors, and the provisions of *The Municipal Act*, respecting the time and manner of holding the election, including the mode of receiving nominations for office, and the resignations of persons nominated, vacancies and declarations of qualifications and office, shall *mutatis mutandis* apply to the election.

Rev. Stat.
c. 192.

Ballot
papers.

7. A separate set of ballot papers shall be prepared by the clerk of the municipality for each of the wards or polling subdivisions containing the names of the candidates in the same form *mutatis mutandis* as those used for councillors or aldermen.

Re-election
of Trustee.

8. A trustee whose term of office has expired shall be eligible for re-election.

Filling of
vacancies.

9. Whenever, from any cause, the office of trustee becomes vacant prior to the expiration of his or her term of office, the remaining trustees shall without unnecessary delay, hold an election to fill such vacancy in the manner provided for holding the annual election of trustees, so as to keep the

membership of the said board up to the full number of nine, and the person so elected shall hold office for the remainder of the term of the trustee whose place he or she is appointed to fill.

10. If such vacancy occurs within three months of the expiry of the term of office, the remaining trustees may allow the office to remain vacant until the next ensuing annual election. Vacancy within three months of expiry of term of office.

11. Five members shall constitute a quorum of the board of trustees. Quorum.

12. The board of trustees shall be a corporation, under the name of "The Trustees of Victoria Hospital at Renfrew." Name of Corporation.

Meetings of Board.

13. After the first election at the first meeting of the board, it shall be determined by ballot which three of the trustees shall retire at the end of the first year, and which three of the trustees shall retire at the end of the second year. Trustees to decide by ballot which of the trustees retire at end of 1st and 2nd years.

14. The board of trustees shall hold its first meeting each year on the second Monday in January at the hour of eight o'clock in the afternoon, or at such other hour on the same day and at such place as may have been fixed by resolution of the board, or, if no place has been so fixed, at the usual place of meeting of the council of the municipality. Annual meeting of Board.

15. The Secretary shall preside at the election of the chairman or if there is no secretary or in his absence, the members present shall choose one of themselves to preside at such election and the member so chosen may vote as a member. Secretary to preside.

16. The presence of a majority of the members constituting the Board shall be a quorum at any meeting, and a vote of the majority of such quorum shall be necessary to bind the corporation. Vote of majority of quorum to bind Corporation.

17. On every question other than the election of a chairman, the chairman or presiding officer of the board may vote with the other members of the board, and any question on which there is an equality of votes shall be deemed to be negatived. Chairman may vote with other members.

Election of
Chairman
and appoint-
ment of
officers.

18. The members of the board shall at the first meeting in each year elect one of their number to be president or chairman of the board, and shall appoint such other officers as they shall deem advisable.

Trustees
may declare
seat vacant
if member
absent more
than three
months.

19. If any trustee absents himself or herself from the meeting of the board for more than three months consecutively, the other trustees may by resolution declare the seat vacant, and cause an election to be held to elect another trustee in place of such trustee.

Qualification
of rate-
payers.

Rev. Stat.
c. 192.

20. The qualifications of ratepayers entitled to vote at any election for trustees shall be the same as those entitled to vote for aldermen and councillors at elections under *The Municipal Act* for the Province of Ontario.

Powers of the Board.

Estimate
of expen-
ditures.

21. The board of trustees shall on or before the 15th day of March in each year, prepare and certify to the council for its consideration, an estimate of the expenditure proposed to be made in connection with the hospital during the year.

Special rate
to meet
expen-
ditures.

Rev. Stat.
c. 192,
s. 297.

22. The council of the said corporation shall in each year, assess and levy, by a special rate on the whole rateable property within the municipality, a sum sufficient to provide for such of the expenditures set out in the estimate, or in a special or supplementary estimate, as are approved by the council, notwithstanding that such rate may increase the aggregate annual rates to be levied and collected in the said town beyond the limit fixed by section 297 of *The Municipal Act*.

Control and
management

23. The said board shall have control over, and the custody of, all property, both real and personal, belonging to, or used in connection with, the hospital, and shall have power to sell or otherwise dispose of personal property to an amount not exceeding \$1,000.00 at one time, when no longer required for the purpose of the hospital.

Power to
purchase
supplies,
etc., to en-
gage offi-
cers, etc.

24. The said board may from time to time purchase supplies and may engage and pay officers, servants and workmen, for the purposes of the hospital, and may make all such expenditures and enter in all such contracts and agree-

ments as may be necessary or convenient for such purposes, provided that no purchase of supplies, contract, agreement or expenditures shall be made, or entered into, unless money shall have been appropriated by the council and be available for such purpose.

25. The Corporation of the Town of Renfrew and the board of trustees shall be respectively capable of receiving and taking from any person or body corporate, by grant, gift, devise or otherwise, any land or interest in land, and any personal property, for the use, support, maintenance and purpose of the hospital, and without license in mortmain, and all persons and bodies corporate shall have full and unrestricted right and power to give, grant and bequeath to the corporation and to the board of trustees any land, or interest therein, and any personal property, for such use, support and purpose.

Power to acquire land, etc., by gift, devise, etc.

26. The board of trustees shall be entitled to recover from a patient, other than one who is unable by reason of poverty to pay for the same, the charges fixed by the board for treatment in the hospital, and in the case of his death while within the hospital, his executor or administrator shall be liable for his burial expenses.

Liability of patient or his executor.

27. The board of trustees may, from time to time, enter into an agreement with any municipal corporation in Ontario, for the payment by the latter of a fixed annual grant to the board, for any term of years not exceeding five, for the maintenance and treatment of indigent patients to be admitted from such municipality, and every such corporation is hereby authorized to enter into such agreement with the board and to provide for and pay such grant.

Agreements with other municipal corporations

28. Within thirty days after the date upon which an indigent patient, who was, or under subsection 4 of section 23 of *The Hospital and Charitable Institutions Act*, is deemed to have been, at the time of his admission, a resident of a municipality within Ontario, other than the Town of Renfrew, was admitted to the hospital, and at intervals of not more than three months thereafter, the superintendent of the hospital shall forward, by registered post, addressed to the clerk of such municipality, a statement of the amount owing to the hospital in respect of such patient, and such municipality shall be liable for, and shall pay such amount within thirty days, and in default of payment, such amount, together with all costs incurred or allowed in respect thereof, may be collected by suit, to be brought by, or in the name of

Notice of amount owing the hospital in respect of non-resident indigent patient. Rev. Stat. c. 300.

the board of trustees against such municipality, in any court of competent jurisdiction, and the superintendent shall in like manner give notice to such clerk upon the discharge or death of such patient, and shall at such time furnish a final statement of the claim of the hospital.

Bank
Account.

29. All moneys received by the board of trustees or by the superintendent of the hospital, for the uses thereof, shall be deposited in a special account, to be kept in the name of the board of trustees, in a chartered bank in the Town of Renfrew.

Cheques on
account.

30. All cheques drawn upon the said account shall be signed by such officer or officers as the board of trustees may designate and appoint for that purpose.

Trustees to
submit
monthly
Statement
to Council.

31. The board of trustees shall submit to the council of the Town of Renfrew a monthly statement of receipts and expenditures as shown by the books of account of the hospital, and in the month of January in each year shall submit to the said council a report showing the receipts and expenditures made by, or on behalf of the hospital, during the preceding year, and the assets and liabilities of the hospital.

Annual
audit of
accounts
and books.

32. The town auditor of the corporation shall audit annually, and at such other times as he may be directed by the council, the books of account, and the expenditures and receipts of the hospital, and he shall prepare and submit to the corporation in the month of January in each year a report showing the receipts and expenditures made by or on behalf of the hospital, during the preceding year, and the assets and liabilities of the hospital. The town auditor shall also report to the council upon any expenditures made by the board of trustees, contrary to law, or contrary to the provisions of this Act.

By-Laws,
rules,
regulations,
etcetra.

33. The board of trustees may, subject to the approval of the Lieutenant-Governor in Council, enact by-laws and regulations for the management of the hospital, and subject to the provisions of section 24, shall have power to fix all salaries and wages to be paid to the medical and other superintendents thereof, and to their assistants and clerks, and to all other officers and servants of the board.

Rev. Stat.
c. 300.

34. Except in so far as they may be inconsistent with the provisions of this Act, the provisions of *The Hospital and Charitable Institutions Act* shall apply to and govern, the said hospital, and the board of trustees thereof, respectively.

No. 5.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting Victoria
Hospital, Renfrew.

1st Reading,	1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Private Bill.*)

MR. CARTY.

TORONTO:
PRINTED BY A. T. WIGGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting Victoria Hospital, Renfrew

WHEREAS the Corporation of the Town of Renfrew ^{Preamble.} has, by its petition, shown that for some years past Victoria Hospital has been conducted and carried on as a general hospital by a committee of citizens called "The Board of Management of Victoria Hospital," and whereas the land and buildings of said Victoria Hospital are owned by the said Corporation of the Town of Renfrew; and whereas the said corporation has, by its petition, shown that it is expedient and desirable to have a reorganization of the said hospital and have the same conducted by the said corporation as a civic hospital; and whereas it appears by the said petition that on the second day of January, 1922, there was submitted to the electors of the said municipal corporation the following question; "Whether the Victoria Hospital should be operated as a civic institution by an elected body of Governors comprised of nine citizens," and 637 votes were cast in the affirmative and 73 in the negative; and whereas the said corporation has, by its petition, prayed that it may be enacted as hereinafter set forth; and whereas it is expedient to grant the prayer of the petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Victoria Hospital at Renfrew Act*. ^{Short title.}

2. The Corporation of the Town of Renfrew may carry on the said Victoria Hospital at Renfrew as a civic general hospital, and may furnish, equip and maintain the same, and may hereafter acquire by gift or purchase such other lands as it may deem necessary, within said Town of Renfrew, or within the limits of the Township of Horton for the use and purposes of said hospital, and may erect, equip, furnish and maintain buildings thereon in connection with said hospital. ^{Authority to carry on a Civic General Hospital.}

Board of
Trustees.

3. The management and control of the said hospital including the power of making all appointments to the staff thereof, shall be vested in, and exercised by, a board of nine trustees elected from and by the *municipal electors* of the said town, and shall hold office as provided by section 5 of this Act, and each of such trustees must be a *bona fide* resident of the town.

Disqualifi-
cation.

4. No member of the council of the municipality shall be elected or hold office as trustee of said hospital, and no member of the staff of the hospital shall be eligible to be a trustee thereof.

Term of
office of
Trustees.

5. The term of office of the said nine trustees elected from the ratepayers of the said town, as provided by section 3 of this Act shall, in the first instance, be regulated as follows: Three of such trustees shall hold office until the end of the first year after their election: Three of such trustees shall hold office until the end of the second year after their election, and the remaining three shall hold office until the end of the third year after their election, and thereafter whenever the term of any such trustee shall expire, his or her successor shall be elected for a term of three years.

Annual
election of
Trustees.

Rev. Stat.
c. 192.

6. The election for trustees shall be held annually at the same time and place and by the same returning officer or officers, and conducted in the same manner as the municipal nominations and elections of aldermen or councillors, and the provisions of *The Municipal Act*, respecting the time and manner of holding the election, including the mode of receiving nominations for office, and the resignations of persons nominated, vacancies and declarations of qualifications and office, shall *mutatis mutandis* apply to the election.

Ballot
papers.

7. A separate set of ballot papers shall be prepared by the clerk of the municipality for each of the wards or polling subdivisions containing the names of the candidates in the same form *mutatis mutandis* as those used for councillors or aldermen.

Re-election
of Trustee.

8. A trustee whose term of office has expired shall be eligible for re-election.

Filling of
vacancies.

9. Whenever, from any cause, the office of trustee becomes vacant prior to the expiration of his or her term of office, the remaining trustees shall without unnecessary delay, hold an election to fill such vacancy in the manner provided for holding the annual election of trustees, so as to keep the

membership of the said board up to the full number of nine, and the person so elected shall hold office for the remainder of the term of the trustee whose place he or she is appointed to fill.

10. If such vacancy occurs within three months of the expiry of the term of office, the remaining trustees may allow the office to remain vacant until the next ensuing annual election. Vacancy within three months of expiry of term of office.

11. Five members shall constitute a quorum of the board of trustees. Quorum.

12. The board of trustees shall be a corporation, under the name of "The Trustees of Victoria Hospital at Renfrew." Name of Corporation.

Meetings of Board.

13. After the first election at the first meeting of the board, it shall be determined by ballot which three of the trustees shall retire at the end of the first year, and which three of the trustees shall retire at the end of the second year. Trustees to decide by ballot which of the trustees retire at end of 1st and 2nd years.

14. The board of trustees shall hold its first meeting in each year on the second Monday in January at the hour of eight o'clock in the afternoon, or at such other hour on the same day and at such place as may have been fixed by resolution of the board, or, if no place has been so fixed, at the usual place of meeting of the council of the municipality. Annual meeting of Board.

15. The Secretary shall preside at the election of the chairman or if there is no secretary or in his absence, the members present shall choose one of themselves to preside at such election and the member so chosen may vote as a member. Secretary to preside.

16. The presence of a majority of the members constituting the Board shall be a quorum at any meeting, and a vote of the majority of such quorum shall be necessary to bind the corporation. Vote of majority of quorum to bind Corporation.

17. On every question other than the election of a chairman, the chairman or presiding officer of the board may vote with the other members of the board, and any question on which there is an equality of votes shall be deemed to be negatived. Chairman may vote with other members.

Election of
Chairman
and appoint-
ment of
officers.

18. The members of the board shall at the first meeting in each year elect one of their number to be president or chairman of the board, and shall appoint such other officers as they shall deem advisable.

Trustees
may declare
seat vacant
if member
absent more
than three
months.

19. If any trustee absents himself or herself from the meeting of the board for more than three months consecutively, the other trustees may by resolution declare the seat vacant, and cause an election to be held to elect another trustee in place of such trustee.

Powers of the Board.

Estimate
of expendi-
tures.

20. The board of trustees shall on or before the 15th day of March in each year, prepare and certify to the council for its consideration, an estimate of the expenditure proposed to be made in connection with the hospital during the year.

Special rate
to meet
expendi-
tures.

21. The council of the said corporation shall in each year, assess and levy, by a special rate on the whole rateable property within the municipality, a sum sufficient to provide for such of the expenditures set out in the estimate, or in a special or supplementary estimate, as are approved by the council, notwithstanding that such rate may increase the aggregate annual rates to be levied and collected in the said town beyond the limit fixed by section 297 of *The Municipal Act*.

Rev. Stat.
c. 192,
s. 297.

Control and
management

22. The said board shall have control over, and the custody of, all property, both real and personal, belonging to, or used in connection with, the hospital, and shall have power to sell or otherwise dispose of personal property to an amount not exceeding \$1,000.00 at one time, when no longer required for the purpose of the hospital.

Power to
purchase
supplies,
etc., to en-
gage offi-
cers, etc.

23. The said board may from time to time purchase supplies and may engage and pay officers, servants and workmen, for the purposes of the hospital, and may make all such expenditures and enter in all such contracts and agreements as may be necessary or convenient for such purposes, provided that no purchase of supplies, contract, agreement or expenditures shall be made, or entered into, unless money shall have been appropriated by the council and be available for such purpose.

24. The Corporation of the Town of Renfrew and the board of trustees shall be respectively capable of receiving and taking from any person or body corporate, by grant, gift, devise or otherwise, any land or interest in land, and any personal property, for the use, support, maintenance and purpose of the hospital, and without license in mortmain, and all persons and bodies corporate shall have full and unrestricted right and power to give, grant and bequeath to the corporation and to the board of trustees any land, or interest therein, and any personal property, for such use, support and purpose. ^{Power to acquire land, etc., by gift, devise, etc.} But nothing herein contained shall authorize the corporation or board to engage in the business of trading in real estate; and any part of such land not actually and *bona fide* required for the purposes of the hospital shall be sold and disposed of within five years from the acquisition of the same.

25. The board of trustees shall be entitled to recover from a patient, other than one who is unable by reason of poverty to pay for the same, the charges fixed by the board for treatment in the hospital, and in the case of his death while within the hospital, his executor or administrator shall be liable for his burial expenses. ^{Liability of patient or his executor,}

26. The board of trustees may, from time to time, enter into an agreement with any municipal corporation in Ontario, for the payment by the latter of a fixed annual grant to the board, for any term of years not exceeding five, for the maintenance and treatment of indigent patients to be admitted from such municipality, and every such corporation is hereby authorized to enter into such agreement with the board and to provide for and pay such grant. ^{Agreements with other municipal corporations}

27. Within thirty days after the date upon which an indigent patient, who was, or under subsection 4 of section 23 of *The Hospital and Charitable Institutions Act*, is deemed to have been, at the time of his admission, a resident of a municipality within Ontario, other than the Town of Renfrew, was admitted to the hospital, and at intervals of not more than three months thereafter, the superintendent of the hospital shall forward, by registered letter post, addressed to the clerk of such municipality, a statement of the amount owing to the hospital in respect of such patient, and such municipality shall be liable for, and shall pay such amount within thirty days, and in default of payment, such amount together with all costs incurred or allowed in respect thereof, may be collected by suit, to be brought by, or in the name of the board of trustees against such muni- ^{Notice of amount owing the hospital in respect of non-resident indigent patient. Rev. Stat. c. 300.}

ciality, in any court of competent jurisdiction, and the superintendent shall in like manner give notice to such clerk upon the discharge or death of such patient, and shall at such time furnish a final statement of the claim of the hospital.

Bank
Account.

28. All moneys received by the board of trustees or by the superintendent of the hospital, for the uses thereof, shall be deposited in a special account, to be kept in the name of the board of trustees, in a chartered bank in the Town of Renfrew.

Cheques on
account.

29. All cheques drawn upon the said account shall be signed by such officer or officers as the board of trustees may designate and appoint for that purpose.

Trustees to
submit
monthly
Statement
to Council.

30. The board of trustees shall submit to the council of the Town of Renfrew a monthly statement of receipts and expenditures as shown by the books of account of the hospital, and in the month of January in each year shall submit to the said council a report showing the receipts and expenditures made by, or on behalf of the hospital, during the preceding year, and the assets and liabilities of the hospital.

Annual
audit of
accounts
and books.

31. The town auditor of the corporation shall audit annually, and at such other times as he may be directed by the council, the books of account, and the expenditures and receipts of the hospital, and he shall prepare and submit to the corporation in the month of January in each year a report showing the receipts and expenditures made by or on behalf of the hospital, during the preceding year, and the assets and liabilities of the hospital. The town auditor shall also report to the council upon any expenditures made by the board of trustees, contrary to law, or contrary to the provisions of this Act.

By-Laws,
rules,
regulations,
etcetra.

32. The board of trustees may, subject to the approval of the Lieutenant-Governor in Council, enact by-laws and regulations for the management of the hospital, and subject to the provisions of section 24, shall have power to fix all salaries and wages to be paid to the medical and other superintendents thereof, and to their assistants and clerks, and to all other officers and servants of the board.

Rev. Stat.
c. 300.

33. Except in so far as they may be inconsistent with the provisions of this Act, the provisions of *The Hospital and Charitable Institutions Act* shall apply to and govern, the said hospital, and the board of trustees thereof, respectively.



No. 5.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting Victoria
Hospital, Renfrew.

1st Reading,	28th February, 1922.
2nd Reading,	1922.
3rd Reading,	1922.

*(Reprinted as amended by the Private
Bills Committee.)*

MR. CARTY.

TORONTO:
PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the City of Brantford

WHEREAS the Corporation of the City of Brantford has Preamble.
by its petition prayed for special legislation in respect of the several matters herein set forth; and whereas the majority of the electors of the City of Brantford have, in answer to questions submitted to them voted in favor of an Advisory Board and an Engineering Board; and whereas the Brantford and Oakland Road Company Limited has entered into an agreement with the County of Brant for the sale of the Brantford and Oakland Toll Road, and the Corporation of the City of Brantford has agreed to contribute \$6,500 toward the cost thereof, payable in five equal annual instalments during the period of five years with interest on the principal sum from time to time remaining unpaid at the rate of five and one-half per cent. per annum payable half yearly; and whereas By-law number 1427 of the said Corporation to provide for the issue of debentures for the construction of St. Paul's Avenue Subway was duly passed, and was validated by the provisions of *An Act respecting the City of Brantford*, Chapter 112 of the Statutes of Ontario of 10 and 11 George V, Section 4; and whereas the construction of the said subway was proceeded with and has been completed, and it has been found that owing to the greatly increased cost of labour and materials the sum provided is insufficient to pay therefor; and whereas By-law number 1721 of the Corporation of the City of Brantford has been passed to provide for the issue of debentures for an additional sum of \$40,000 for said purpose, and it is desirable to validate same; and whereas the City of Brantford owns and operates the Brantford Municipal Railway System through an elected commission, and it became desirable to make extensions, improvements and additions thereto; and whereas By-law number 1722 of the said Corporation to provide for the issue of debentures in the sum of \$80,000 to pay for such extensions, improve-

ments and additions, and it is desirable to validate same; and whereas By-law number 1723 of the said Corporation has been passed to provide for the issue of debentures in the sum of \$130,000 to pay for the construction of a trunk sewer, and it is desirable to validate same; and whereas no objections have been made to any of the said By-laws; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to
Constitute
Advisory
Board.

1. By-laws may be passed by the Municipal Council of the Corporation of the City of Brantford to provide for an Advisory Board to consist of the Mayor, the Chairman of the standing committees of the Municipal Council, the City Treasurer, the City Solicitor, and the City Engineer, and to make rules and regulations for the government of same.

Board of
Control.

2. The said Advisory Board shall not be deemed to be a board of control within the meaning of *The Municipal Act*, and no member of the said Advisory Board shall be entitled to sit or vote in the Municipal Council of the said Corporation except those members elected thereto.

Powers of
Board.

3. The powers of said Board shall be advisory only, and it shall be the duty of said Board to consider all matters which shall be referred to it by the Municipal Council or by any committee thereof.

Power to
Constitute
Engineering
Board.

4. By-laws may be passed by the Municipal Council of the Corporation of the City of Brantford to provide for an Engineering Board composed of the City Engineer, the engineer of the Brantford Municipal Railway System, the engineer of the Brantford Waterworks Commission, the engineer of the Brantford Hydro Electric Commission, and the engineer of the Board of Park Commissioners of the City of Brantford, and any engineer employed by any Commission or Board with power to expend the public funds of the Municipality, whose duty it shall be to consider and report to the Advisory Board upon all engineering questions in connection with the City of Brantford or any such Commission or Board, and to make rules and regulations for the government of such Engineering Board.

5. By-law number 1566 of the Corporation of the City of Brantford to authorize an agreement with the Brantford and Oakland Road Company Limited set forth in Schedule "A" hereto is hereby declared to be legal, valid and binding upon said Corporation and the ratepayers thereof.

By-law
Number
1566
Confirmed.

6. By-law number 1721 of the Corporation of the City of Brantford to provide for the issue of debentures for the sum of \$40,000 to provide for the payment of St. Paul's Avenue Subway, and the debentures to be issued thereunder are hereby declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof.

By-law
Number
1721
Confirmed.

7. By-law number 1722 of the Corporation of the City of Brantford to provide for the issue of debentures for the sum of \$80,000 to provide for the payment of extensions, improvements and additions to the Brantford Municipal Railway System, and the debentures to be issued thereunder are hereby declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof.

By-law
Number
1722
Confirmed.

8. By-law number 1723 of the Corporation of the City of Brantford to provide for the issue of debentures for the sum of \$130,000 to pay for the construction of a trunk sewer, and the debentures to be issued thereunder are hereby declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof.

By-law
Number
1723
Confirmed.

No. 6.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting the City
of Brantford.

1st Reading,	1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Private Bill*)

MR. WALKER.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the City of Brantford

WHEREAS the Corporation of the City of Brantford has by its petition prayed for special legislation in respect of the several matters herein set forth; and whereas the majority of the electors of the City of Brantford have, in answer to questions submitted to them, voted in favor of an Advisory Board and an Engineering Board; and whereas the Brantford and Oakland Road Company Limited has entered into an agreement with the County of Brant for the sale of the Brantford and Oakland Toll Road, and the Corporation of the City of Brantford has agreed to contribute \$6,500 toward the cost thereof, payable in five equal annual instalments during the period of five years with interest on the principal sum from time to time remaining unpaid at the rate of five and one-half per cent. per annum payable half yearly; and whereas By-law number 1427 of the said Corporation to provide for the issue of debentures for the construction of St. Paul's Avenue Subway was duly passed, and was validated by the provisions of *An Act respecting the City of Brantford*, Chapter 112 of the Statutes of Ontario of 10 and 11 George V, Section 4; and whereas the construction of the said subway was proceeded with and has been completed, and it has been found that owing to the greatly increased cost of labour and materials the sum provided is insufficient to pay therefor; and whereas By-law number 1721 of the Corporation of the City of Brantford has been passed to provide for the issue of debentures for an additional sum of \$40,000 for said purpose, and it is desirable to validate same; and whereas the City of Brantford owns and operates the Brantford Municipal Railway System through an elected commission, and it became desirable to make extensions, improvements and additions thereto; and whereas By-law number 1722 of the said Corporation to provide for the issue of debentures in the sum of \$80,000 to pay for such extensions, improve-

Preamble.

ments and additions, and it is desirable to validate same; and whereas By-law number 1723 of the said Corporation has been passed to provide for the issue of debentures in the sum of \$130,000 to pay for the construction of a trunk sewer, and it is desirable to validate same; and whereas no objections have been made to any of the said By-laws; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to
Constitute
Advisory
Board.

1. By-laws may be passed by the Municipal Council of the Corporation of the City of Brantford to provide for an Advisory Board to consist of the Mayor, the Chairmen of the standing committees of the Municipal Council, the City Treasurer, the City Solicitor, and the City Engineer, and to make rules and regulations for the government of same.

Board of
Control.

2. The said Advisory Board shall not be deemed to be a board of control within the meaning of *The Municipal Act*, and no member of the said Advisory Board shall be entitled to sit or vote in the Municipal Council of the said Corporation except those members elected thereto.

Powers of
Board.

3. The powers of said Board shall be advisory only, and it shall be the duty of said Board to consider all matters which shall be referred to it by the Municipal Council or by any committee thereof.

Power to
Constitute
Engineering
Board.

4.—(1) By-laws may be passed by the Municipal Council of the Corporation of the City of Brantford to provide for an Engineering Board composed of the City Engineer, the engineer of the Brantford Municipal Railway System, the engineer of the Brantford Waterworks Commission, the engineer of the Brantford Hydro Electric Commission, and the engineer of the Board of Park Commissioners of the City of Brantford, and any engineer employed by any Commission or Board *which has power to expend the public funds of the Municipality*.

(2) *It shall be the duty of the Engineering Board to consider and report to the Advisory Board upon all engineering questions in connection with the City of Brantford or any such Commission or Board, and to make rules and regulations for the government of such Engineering Board.*

5. By-law number 1566 of the Corporation of the City of Brantford to authorize an agreement with the Brantford and Oakland Road Company Limited set forth in Schedule "A" hereto is hereby declared to be legal, valid and binding upon said Corporation and the ratepayers thereof.

By-law
Number
1566
Confirmed.

6. By-law number 1721 of the Corporation of the City of Brantford to provide for the issue of debentures for the sum of \$40,000 to provide for the payment of St. Paul's Avenue Subway, and the debentures to be issued thereunder are hereby declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof.

By-law
Number
1721
Confirmed.

7. By-law number 1722 of the Corporation of the City of Brantford to provide for the issue of debentures for the sum of \$80,000 to provide for the payment of extensions, improvements and additions to the Brantford Municipal Railway System, and the debentures to be issued thereunder are hereby declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof.

By-law
Number
1722
Confirmed.

8. By-law number 1723 of the Corporation of the City of Brantford to provide for the issue of debentures for the sum of \$130,000 to pay for the construction of a trunk sewer, and the debentures to be issued thereunder are hereby declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof.

By-law
Number
1723
Confirmed.



SCHEDULE "A"

Agreement made in duplicate this 24th day of January, 1921.

Between

The Brantford and Oakland Road Company Limited, herein-
after called the Company, of the First part,

and

The Corporation of the City of Brantford hereinafter called
the City Corporation, of the Second part.

Whereas the Company own and operate under the provisions of "*The Toll Roads Act*" a toll road known as The Brantford and Oakland Road, extending from the City of Brantford in a Southerly direction to and into the Township of Oakland in the County of Brant, a portion of which said Toll Road is within the Corporate limits of the said City.

And whereas the Corporation of the County of Brant has adopted a system of county roads approved by Order-in-Council dated January 18th, 1917;

And whereas the said Corporation of the County of Brant, being desirous of acquiring the said Brantford and Oakland Road to the intent that the same may be freed from tolls and incorporated in its said system of county roads, has passed its By-law Number 396 authorizing the purchase of the said road, which said By-law has been duly approved by Order-in Council passed in accordance with the provisions of *The Highways Improvement Act*, R.S.O. 1914, Chapter 40.

And whereas it has been agreed between the parties hereto and the Corporation of the County of Brant that the price for the said toll road shall be \$23,000.00, and that the said City Corporation shall contribute and pay \$6,500.00, payable as after mentioned, and that so much of the said road as lies outside the corporate limits of the said City shall be conveyed to the Corporation of the County of Brant, and that so much thereof as lies within the corporate limits of the City of Brantford shall be abandoned and conveyed by the Company to the said City Corporation.

And whereas the Company has duly conveyed and assured to the Corporation of the County of Brant that part of said road lying outside the corporate limits of the City of Brantford.

Now therefore this agreement witnesseth that the Corporation of the City of Brantford hereby covenants and agrees with the Company to pay to the Company, its successors and assigns, the sum of \$6,500.00 in five equal annual instalments of \$1,300.00 each, payable on the first day of February in each year, the first of such instalments to become due and be paid on the first day of February, 1922, with the privilege to the said Corporation of paying on account of said principal any sum in even hundreds of dollars at any of the interest periods hereafter mentioned, together with interest from the first day of February, 1921, on all unpaid principal calculated at the rate of 5½% per annum, payable half yearly on the first days of February and August in each year, the first of such half yearly payments of interest to become due and be made on the First day of August, 1921. Overdue interest is to become principal and bear interest at the said rate compounded half yearly until paid. Provided that in default of payment of any portion of the money hereby secured, the whole principal money and interest hereby secured shall at the option of the Company immediately become payable.

And in consideration of the premises the Company hereby abandons, grants and conveys to the said City Corporation so much of the said road as lies within the corporate limits of the City of Brantford to the intent that the same shall form part of the system of streets and highways of said City, and the said City Corporation agrees to pass such by-law or by-laws and take such other proceedings as may be necessary to authorize the abandonment and conveyance by the Company to the City Corporation of that part of said road within said City limits, and to apply for and use its best endeavours to obtain such legislative sanction as may be necessary to validate these presents.

The portion of the Brantford and Oakland Toll Road hereby granted and conveyed to the City Corporation may be more particularly described as follows, that is to say:—Being all that portion of the Road lying within the present limits of the City of Brantford Easterly and Northerly of the aftermentioned boundaries, commencing at the intersection of the Easterly limit of the Brantford and Oakland Road with the center line of Fifth Avenue, thence Westerly along the center line of Fifth Avenue to the center line of the Brantford and Oakland Road, thence Northerly along the center line of the Brantford and Oakland Road to the intersection of the center line of the Brantford and Oakland Road with the center line of Baldwin Avenue, thence Westerly along the center line of Baldwin Avenue to the intersection of the center line of Baldwin Avenue with the Westerly limit of the Brantford and Oakland Road.

In witness whereof the parties hereto have affixed their corporate seals under the hands of the proper officers in that behalf.

Signed, sealed and delivered

In the presence of

(Sgd.) FRANK COCKSHUTT,
President.

(Seal)

(Sgd.) MARY C. MCCAUSLAND,
Secretary.

(Sgd.) GEORGE WEDLAKE,
Mayor.

(Seal)

(Sgd.) H. F. LEONARD,
City Clerk.

No. 6.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting the City
of Brantford.

1st Reading,	28th February, 1922.
2nd Reading,	1922.
3rd Reading,	1922.

*(Reprinted as amended by the Private
Bills Committee.)*

MR. WALKER.

TORONTO:
PRINTED BY CLARKSON W. JAMES.
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the City of Port Arthur.

WHEREAS the municipal corporation of the City of Preamble.
Port Arthur has by petition represented that by a certain agreement made between the said corporation and one Aimwell G. McIntyre, dated the twenty-third day of September, 1916, and confirmed by section 1 of *The City of Port Arthur Act, 1918*, being 8 George V, Chapter 76, the said Aimwell G. McIntyre agreed to erect a pulp and paper mill upon certain lands in the said City upon certain terms and conditions; that the said Aimwell G. McIntyre subsequently assigned all his right and interest in the said agreement to the Port Arthur Pulp and Paper Company, Limited, and that the said corporation by an agreement made with the Port Arthur Pulp and Paper Company, Limited, dated the nineteenth day of April, 1917, and confirmed by section 1 of *The City of Port Arthur Act, 1918*, consented to the assignment made by the said Aimwell G. McIntyre to the said Company; that the Port Arthur Pulp and Paper Company, Limited, has with the consent of the corporation, assigned all its rights and interests in the said agreement to the Provincial Paper Mills, Limited; that under the provisions of the said agreement dated the twenty-third day of September, 1916, a second unit of a pulp mill was to have been erected within five years from the date of the said agreement; that the Provincial Paper Mills, Limited, has completed the first unit of the pulp mill, but on account of conditions due to the war, has been unable to complete the second unit of the said mill within the time fixed by the said agreement; and whereas by agreement dated the first day of September, 1921, made between the said corporation and the Provincial Paper Mills, Limited, the time for completion of the second unit of the pulp mill was extended for two years from the twenty-third day of September, 1921, and the said Company was also granted the exclusive right to build the dock referred to in paragraph 13 of the agreement dated the twenty-third day of September, 1916; and whereas the said agreement and By-law 1681 of the said corporation authorizing the execution of it were submitted to and ap-

proved of by the qualified ratepayers of the said City, 1082 voting in favour of the same and 62 against; and whereas the said corporation has by its petition further represented that it has passed By-law No. 1680, fixing the assessment of the property of The Provincial Paper Mills, Limited, at \$500,000 a year for a period of ten years, and the Company in consideration of such fixed assessment has agreed to erect a further pulp mill as set out in the agreement at a cost of not less than \$1,000,000; and whereas the said By-Law and agreement were submitted to and approved of by the qualified ratepayers at the annual municipal elections held on the second day of January, 1922, 1060 voting for and 78 voting against the same; and whereas it is desirable that the said By-laws and Agreements with the Company should be confirmed; and whereas the said corporation has by its petition further represented that it is desirable and in the interests of the corporation to allow that all sales of land purporting to be made for arrears of taxes, and all deeds of such lands made prior to the first day of January, should be validated and confirmed; and whereas the said corporation has by its petition prayed that an Act may be passed for such purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-law No.
1681 and
certain
agreement
between cor-
poration and
Provincial
Paper Mills,
Limited,
confirmed.

1. By-law 1681 of the corporation of the City of Port Arthur intituled "A By-law to authorize an agreement with the Provincial Paper Mills, Limited, bearing date the first day of September, A. D. 1921," and the agreement between the said corporation and the Provincial Paper Mills, Limited, set out as Schedule "I" hereto are confirmed and declared to be legal, valid and binding on the said corporation and the ratepayers thereof and also on the said Company.

By-law No.
1680 and
certain
agreement
between cor-
poration and
Company
confirmed.

2. Bylaw 1680 of the corporation of the City of Port Arthur intituled "A By-law providing for a fixed assessment for the lands of the Provincial Paper Mills, Limited," and the agreement made between the said corporation and the said Company set out as Schedule "II" hereto are confirmed and declared to be legal, valid and binding on the said corporation and the ratepayers thereof and also on the said Company.

3.—(1) All sales of land in the City of Port Arthur made prior to the first day of January, 1921, and which purport to be made by the corporation of the said city for arrears of taxes in respect of lands so sold, are hereby validated and confirmed; and all deeds of land so sold, executed by the mayor and treasurer of the said city, purporting to convey the said lands so sold to the purchaser or his assigns, are hereby validated and confirmed, and shall have the effect of vesting the lands so sold and conveyed, or purported to be sold and conveyed, and the same are hereby vested in the purchaser or his assigns and his and their heirs and assigns in fee simple, free and clear of and from all right, title and interest whatsoever of the owners thereof at the time of such sale or their assigns and of all charges and encumbrances thereon, except taxes accrued since those for non-payment whereof the said lands were sold.

Sales of land by corporation prior to Jan. 1st. 1921. confirmed.

(2) Subsection 1 of this section shall extend and apply to cases where the said city or any person or persons in trust for it, or in its behalf, became the purchaser of lands at any such tax sale.

Section to extend to cases where city became purchaser.

(3) Nothing in this section contained shall affect any action, litigation or other proceeding now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and to the same extent as if this section had not been passed.

Section not to affect pending litigation.

SCHEDULE "I"

CITY OF PORT ARTHUR.

By-LAW No. 1681.

A By-law to authorize an agreement with the Provincial Paper Mills Limited, bearing date the first day of September, A.D. 1921.

Whereas the Council of the Corporation of the City of Port Arthur has entered into an agreement with the Provincial Paper Mills Limited, bearing date the first day of September, 1921, subject to the assent of the Ratepayers of the said Corporation, a copy of which said agreement is hereto attached.

Now therefore the Corporation of the City of Port Arthur enacts as follows:

1. The execution of the said agreement dated the first day of September, 1921 by the Mayor and Clerk respectively of the said Corporation for the time being is hereby confirmed and ratified and the affixing of the Corporate seal to the said agreement is hereby confirmed, a copy of which said agreement is hereto attached.

2. The said Corporation is hereby empowered to carry out the terms of the said agreement and to do all acts, matters and things necessary therefor.

Council Chamber, Port Arthur, Ontario.

Passed this 23rd day of January, A.D. 1922.

I. L. MATTHEWS,

Mayor.

T. F. MILNE,

Clerk.

Certified Copy,
T. F. MILNE,
Clerk.

Memorandum of Agreement made this first day of September,
A.D. 1921.
Between:

The Corporation of the City of Port Arthur hereinafter called
"The City," of the first part,

and

Provincial Paper Mills Limited, hereinafter called the "Paper
Company," of the second part.

Whereas by agreement bearing date the 23rd day of September, 1916 and made between the City and one Aimwell G. McIntyre, set forth as Schedule "A" and "B" and "C" to the City of Port Arthur Act, 1918, which agreement is hereinafter referred to as the "Main Agreement" it was agreed among other things that the said McIntyre should cause a Company to be incorporated and that said Company should after incorporation construct certain works and that the City should provide certain lands therefor all as in the said agreement set forth and upon the terms and condition therein set forth.

And whereas the main agreement has with the consent of the City been assigned to the Port Arthur Pulp & Paper Company Limited, and further assigned by the Port Arthur Pulp and Paper Company Limited to the Paper Company.

And whereas by the main agreement it was, among other things provided that the Company therein referred to should immediately after incorporation commence the erection on the site set forth in the said agreement of a Chemical Pulp Mill having a capacity of 50 tons of Chemical Pulp per day and should have the same completed and ready for operation not later than the first day of November, 1917.

Whereas the said Chemical Pulp Mill has been erected and completed as provided by the main agreement.

And whereas it was further provided by the said main agreement that the Company should within five years from the date thereof complete and have in operation a further unit or units of said Pulp Mill or a further unit of the said Pulp Mill and Paper Mill so that said unit or units should be capable of manufacturing together with the first mentioned Chemical Pulp Mill a total of 150 tons of Chemical Pulp and Paper per day.

And whereas it has been agreed to extend the time for the erection and completion of the further unit or units of the Pulp Mill or Pulp and Paper Mill until the first day of November, 1923.

And whereas it was in and by the said agreement above in part recited provided that either the City or the Company should have the right to build a dock as set out in paragraph number 13 of the said agreement.

And whereas it has been agreed that the Paper Company should build the said dock at its own expense, that notwithstanding anything in the main agreement contained the said dock shall be the sole and exclusive property of the Paper Company.

Now therefore this agreement witnesseth that in consideration of the premises and of the sum of One Dollar now paid by the Paper Company to the City the receipt whereof is hereby by the City acknowledged, the parties hereto each agree with the other as follows:

1. The time for completion of the unit or units referred to in paragraph numbered 3 of the main agreement shall extend and is hereby extended until the first day of November, 1923, and the Paper Company may construct such unit or units so referred to either wholly or partly on the site described in the main agreement and/or wholly or partly upon such other lands as may be purchased or acquired by the Paper Company from the Port Arthur Shipbuilding Company, Limited and the commencement of actual building operations upon such further unit or units in a location and within the time provided by this agreement shall entitle the Paper Company to the conveyance provided for in paragraph 10 of the main agreement and the completion and commencement of operation thereof in such a location and within the time provided by this agreement shall entitle the Paper Company to the release, grants and assurances provided for in said clause 10, and for all the purposes of the main agreement said further unit or units shall therefore be deemed to be constructed and operated within the terms thereof.

6.

2. Notwithstanding anything in the main agreement contained, the Paper Company shall have the exclusive right to build or cause to be built the dock referred to in paragraph numbered 13, of the said main agreement and shall bear the expense thereof and when constructed the said dock shall be the sole and exclusive property of the Paper Company and the Paper Company shall be entitled to the sole and exclusive use and enjoyment thereof, provided, however, that any other person, firm or corporation may use the said dock under the regulations and conditions to be fixed by the Paper Company and upon payment of customary wharfage charges, such user, however, is not to interfere unduly with the use of the said dock by the Paper Company.

3. The City covenants to convey to the Paper Company free of cost by deed in fee simple, free from incumbrances, as a site for the construction of an intake pipe, the lands described in Schedule "A" hereto attached. It is expressly understood and agreed by and between the parties hereto that, the City, its successors and assigns, shall not be liable for any damage or damages which may arise due to the construction of the Intake Pipe upon the lands referred to in Schedule "A" and the Paper Company covenants to indemnify the City against any claim which may be made against the City due to the construction of such Intake Pipe.

4. In all other respects, the main agreement is hereby confirmed and except as hereinbefore provided, nothing herein contained shall prejudice, alter or affect the rights of either of the parties under the main agreement.

5. This agreement shall enure to the benefit of and be binding upon the respective successors and assigns of the parties hereto.

6. This agreement is subject to the approval of the ratepayers of the City entitled to vote thereon and the City agrees to have this agreement submitted to the ratepayers of the said City and to submit the same to the Legislature of the Province of Ontario for validation at its next session.

In witness whereof the City has caused these presents to be signed by its Mayor and Clerk and its Corporate seal to be affixed hereto and the Paper Company has caused its Corporate seal to be hereto affixed.

Signed, sealed and delivered in the presence of

(Sgd.) I. L. MATTHEWS,
Mayor.

Certified copy,

T. F. MILNE,
Clerk.

(Sgd.) T. F. MILNE,
Clerk.

(Sgd.) PROVINCIAL PAPER MILLS, LTD.
I. H. WELDON,
President.

(Sgd.) S. F. DUNCAN,
Secretary.

SCHEDULE "A"

Description of parcel of land and water at Bare Point required as right of way for intake pipe of the Provincial Paper Mills Limited.

Commencing at the easterly extremity of Bare Point; thence north seventy-one degrees west (North 71 degrees West) ninety feet (90 ft.) more or less along the southerly boundary line of the north half of Bare Point retained by the City of Port Arthur; thence north seventy degrees east (North 70 degrees East) eighty-six feet (86 ft.) more or less; thence south twenty degrees east (South 20 degrees East) twenty feet (20 ft.); thence southerly forty feet (40 ft.) more or less back to the Point of Commencement.

7.

SCHEDULE "II."

CITY OF PORT ARTHUR.

BY-LAW No. 1680.

A By-law providing for a fixed assessment for the lands of the Provincial Paper Mills Limited.

Whereas Provincial Paper Mills Limited is the owner of or has contracted to acquire from the City of Port Arthur the lands and premises in the City of Port Arthur described in the schedule "A" hereto annexed, on which there is erected a sulphite pulp plant which is being operated at present time by the said Provincial Paper Mills Limited.

And whereas the said Provincial Paper Mills Limited, hereinafter called the Company, proposes to erect on the said lands further and other plant and equipment, such further and other plant and equipment to cost not less than \$1,000,000, and has requested the Corporation of the City of Port Arthur to exempt the said lands and all rights of way and easements now or hereafter used or enjoyed by the Company in connection therewith and all buildings and other erections, plant machinery and equipment of the said Company now or hereafter upon the said lands and also the Company and the property thereof from time to time within the said Corporation of the City of Port Arthur from municipal assessment in part and to agree to and fix the assessment of the said lands and rights and all buildings and other erections, plant and equipment now or hereafter upon the said lands and the Company and the property thereof from time to time situate in the said municipality as hereinafter set forth, saving and excepting such portions of the lands aforesaid upon which may be from time to time erected dwelling houses, stores or other similar buildings not actually used in connection with the plant operated or to be operated by the Company, provided however, that temporary use of such buildings shall not bring the lands upon which the same are erected within this exception.

And whereas it appears expedient to accede to the said request and to fix the assessment of the said lands, rights, buildings, erections, plant and equipment of the Company and its property, save as aforesaid for the period of ten years.

Now therefore be it enacted and it is hereby enacted as a by-law by the Municipal Council of the Corporation of the City of Port Arthur that:—

1. An agreement be entered into with the Company in the terms of the draft agreement (Schedule "B" hereto) that the Mayor and Clerk of the said Municipal Corporation be and they are hereby authorized to execute the said agreement on behalf of the Corporation under its corporate seal.

2. The Annual Assessment of the lands set out in the said Schedule "A" hereto including the business assessment and all the rights of way and easements now or hereafter used or enjoyed by the Company in connection therewith, together with the buildings, erections, plant, machinery and equipment now or hereafter constructed, erected or used upon or in connection therewith and the annual assessment of the Company and the property, franchises, and effects of the Company (including the business assessment) from time to time situate within the Municipal Corporation of the City of Port Arthur upon the said lands, saving and excepting such portions of the lands aforesaid upon which may be from time to time erected dwelling houses, stores or other similar buildings not actually used in connection with the plant or plants operated or to be operated by the Company (provided how-

ever that temporary use of such buildings shall not bring the lands upon which the same are erected within this exception) shall be and the same is hereby fixed at the sum of Five Hundred Thousand Dollars (\$500,000.) for the years 1924 to 1933 both inclusive and save as aforesaid the said lands, rights, buildings, erections, plant, machinery and equipment and the Company and its property, franchises and effects from time to time situate upon the said lands within the said Municipal Corporation of the City of Port Arthur, shall be and the same are hereby exempted during the years 1924 to 1933 both inclusive from all municipal assessment and taxation of any and every kind whatsoever beyond the amount to be ascertained in each year by application of the yearly rates levied by the Municipal Council Corporation of the City of Port Arthur for all purposes in each such year to the said fixed assessment.

3. The assessors and other officers making assessment in the said Municipal Corporation of the City of Port Arthur are hereby authorized and required to so make their assessment and returns as to conform to the provisions of this by-law.

This by-law shall come into force and effect from and after the passing thereof after the same has received the assent of the electors of the Corporation of the City of Port Arthur.

Nothing in this by-law contained shall apply to or affect taxation for school purposes and local improvements.

The period of exemption and fixed assessment herein provided for shall come to an end on the 31st day of December, 1923, if on or prior to that date or within such further time as the Mayor and Clerk for the time being of the said Municipal Corporation of the City of Port Arthur may in writing on authority of the Council for that purpose grant the said Company or its successors or assigns does not complete or cause to be completed the said additional and other plant and equipment at a cost of not less than \$1,000,000.

This by-law shall enure to the benefit of the Company and its successors and assigns.

Passed this 23rd day of January 1922.

I. L. MATHEWS,

Mayor.

T. F. MILNE,

Clerk.

(Seal.)

Certified copy.

T. F. MILNE,

Clerk.

Schedule showing the lands referred to in the within Agreement, and being also SCHEDULE "A" referred to in the within by-law.

Parcel Number one:—All and singular that certain parcel or tract of land and premises situate, lying and being in the City of Port Arthur, in the District of Thunder Bay and Province of Ontario, formerly in the Township of McGregor, composed of parts of Mining Locations 4 and 6, according to Herrick's Survey of the said Township, containing by admeasurement 45.8 acres more or less described as follows:—Commencing at a point on the shore of Thunder Bay where it would be intersected by the production southerly of the westerly limit of Mining Location number 4; thence easterly along the said shore 2040 feet more or less to the easterly extremity of Bare Point; thence north 71 degrees west 500 feet; thence westerly 540 feet more or less to a point midway between the shores of Bare Point and at a distance of 1,000 feet from and measured perpendicularly to the said westerly limit of said Mining Location 4; thence northerly parallel to the said westerly limit 170 feet more or less to the shore of Thunder Bay; thence northerly along said shore 1,250 feet more or less to the point where the said shore is intersected by the easterly production of the northerly boundary of Block Number 24 according to a subdivision of the westerly half of mining Location "B," thence westerly along said production 656 feet more or less to the westerly limit of said Mining Location Number 4; thence northerly along the last mentioned limit 900 feet more or less to a point midway between the north boundary of Block 24 according to a subdivision of the west half of mining Location "B" produced, and the northerly limit of Mining Location 4; thence westerly perpendicularly to the said westerly limit of Mining Location Number 4, 656 feet to the easterly limit of the City of Port Arthur railway reserve; thence southerly along said easterly limit 1,252 feet more or less to the northerly limit of the lands of the Port Arthur Shipbuilding Company Limited; thence easterly along said northerly limit 903 feet to the western limit of Mining Location Number 4; thence southerly along the said westerly limit and production of same 1,012 feet more or less to the place of beginning.

Parcel Number 2:—All and singular that certain parcel or tract of land and premises situate, lying and being in the City of Port Arthur, in the District of Thunder Bay, being part of Water Lot 5P, composed of land covered by the waters of Thunder Bay, and part of Mining Location Number 4, according to Herriek's Survey of the Township of McGregor and containing by admeasurement 27 acres more or less described as follows:—

Commencing at the point of the shore of Thunder Bay where it would be intersected by the production southerly of the westerly limit of Mining Location number 4; thence southerly along the production of the westerly limit of Mining Location Number 4, being the easterly limit of that part of said water lot 5p, heretofore conveyed to the Western Dry Dock and Shipbuilding Company, 726 feet more or less to the southerly limit of said water lot; thence north 76 degrees 35 minutes east along the southerly boundary of said water lot 1,999.76 feet to the westerly limit of land conveyed to the Dominion Government for a breakwater; thence north 9 degrees 25 minutes west along said westerly limit 335 feet more or less to the shore of Thunder Bay; thence westerly along said shore 2,040 feet more or less to the place of beginning.

Parcel Number 3:—All and singular that certain parcel or tract of land and premises situate, lying and being in the City of Port Arthur, in the District of Thunder Bay, and Province of Ontario, composed of parts of Mining Locations Numbers 4 and 6, according to Herrick's Survey of the Township of McGregor, described as follows:—Commencing at a point where the shore of Thunder Bay is intersected by the easterly production of the northerly boundary of Block Number 24, according to the subdivision of the westerly half of Mining Location "B," thence westerly along the said production 656 feet more or less to the westerly limit of said Mining Location Number 4; thence northerly along the last mentioned limit 900 feet more or less to a point midway between the northerly boundary of Block Number 24, according to a subdivision of the west half of Mining Location "B" produced, and the northerly limit of Mining Location 4; thence westerly perpendicularly to the said westerly limit of Mining Location Number 4, 656 feet more or less to the easterly limit of the City of Port Arthur Railway Reserve; thence northerly along the said easterly limit 857 feet more or less to the northerly boundary of Mining Location 6; thence easterly along the northerly boundary of Mining Location 6; thence easterly along the northerly boundary of Mining Locations 6 and 4, to the intersection thereof with the shore of Thunder Bay, thence in a southerly direction along the shore line of Thunder Bay to the point of commencement.

Parcel Number 4:—All and singular that certain parcel or tract of land and premises situate, lying and being in the City of Port Arthur, more particularly described as follows:—Commencing at the north-east angle of the property of the Port Arthur Shipbuilding Company as described in Inst. No. 4477D, said point being in the east limit of Mining Location 6; thence south along the said east limit of said Location 6, 950 feet; thence westerly at right angles to the said east limit of Mining Location 6, 250 feet; thence northerly and parallel to the said east limit of Mining Location 6, 950 feet more or less to the north limit of the said property of the Port Arthur Shipbuilding Company; thence easterly along the said north limit of the said property two hundred and fifty feet (250') to the point of commencement.

Parcel Number 5:—Description of parcel of land and water at Bare Point required as right of way for intake Pipe of the Provincial Paper Mills Limited:—Commencing at the easterly extremity of Bare Point; thence north seventy-one degrees west (N 71 degrees W) ninety feet (90') more or less along the southerly boundary line of the north half of Bare Point retained by the City of Port Arthur, thence North seventy degrees east (N 70 degrees east) eighty six feet (86') more or less; thence south twenty degrees east (south 20 degrees east) twenty feet (20') thence southerly forty feet (40') more or less back to the point of commencement.

SCHEDULE "B" referred to in the within BY-LAW

This Agreement made and entered into this eighth day of December, 1921.

Between:

The Corporation of the City of Port Arthur, (hereinafter called the Corporation) of the first part,

and

Provincial Paper Mills Limited, a Company incorporated under *The Ontario Companies Act*, (hereinafter called the Company), of the second part.

Whereas the Company is the owner of or has contracted to acquire from the Corporation the lands situate in the City of Port Arthur, more particularly described in Schedule to this agreement;

And whereas the Company has constructed or erected upon a portion of the said lands a sulphite pulp mill, which is being operated at the present time and proposes to construct or erect on the said lands a further and other plant and equipment, such further and other plant and equipment to cost not less than \$1,000,000.

And whereas the Company has requested the Corporation to exempt the said lands and premises and all rights-of-way and easements now or hereafter used or enjoyed by the Company in connection therewith and all buildings and other erections, plant and machinery and equipment now or hereafter upon the said lands and the Company and the property thereof from time to time within the City of Port Arthur from municipal assessment in part and to agree to and fix the assessment of the said lands and rights and all buildings, and other erections, plant, machinery and equipment now or hereafter upon the said lands and the Company and the property thereof from time to time situate within the said City of Port Arthur as hereinafter set forth, saving and excepting such portions of the lands aforesaid upon which may be from time to time erected dwelling houses, stores, or other similar buildings not actually used in connection with the plant operated or to be operated by the Company, provided, however, that temporary use of such buildings, shall not bring the lands upon which the same are erected within this exemption.

Now therefore this agreement witnesseth that in consideration of the premises, and of the sum of One Dollar (\$1.00) now paid by the Company to the Corporation, the receipt whereof is hereby acknowledged, the parties hereto agree each with the other.

1. The annual assessment of the lands set out in the Schedule hereto including the business assessment, and the rights-of-way and easements now or hereafter used or enjoyed by the Company in connection therewith, together with the buildings, erections, plant, machinery and equipment now or hereafter constructed, erected or used upon or in connection therewith and the annual assessment of the Company and the property, franchises and effects of the Company (including the business assessment) from time to time situate within the City of Port Arthur upon the said lands saving and excepting the portions of the lands aforesaid, upon which may be from time to time erected, dwelling houses, stores or other similar buildings not actually used in connection with the plant or plants operated or to be operated by the Company (provided, however, the temporary use of such buildings shall not bring the lands upon which the same are erected within this exception) shall be and the same is hereby fixed at the sum of Five Hundred Thousand Dollars (\$500,000)

for the years 1924 to 1933 both inclusive, and save as aforesaid the said lands, rights, buildings, plant, machinery and equipment hereinbefore more particularly described and the Company and its property franchises and effects from time to time situate within the City of Port Arthur shall be and the same are hereby exempted during the years 1924 to 1933 both inclusive from all Municipal Assessment and taxation of any kind and every kind whatsoever beyond the amount to be ascertained in each year by application of the yearly rate levied by the Municipal Council for the Corporation for all purposes in each such year to the said fixed assessment.

2. The period of exemption and fixed assessment herein provided for shall come to an end on the 31st day of December, 1923, if on or before that date or within such further time as the Mayor and Clerk for the time being of the Corporation may in writing on the authority of the Council, grant for that purpose, the Company or its successors or assigns shall not have completed or caused to be completed the said additional or other plant and equipment at a cost of not less than One Million Dollars (\$1,000,000.).

3. This agreement shall enure to the benefit of the Company and its successors and assigns.

4. Nothing in this agreement contained shall apply to or affect taxation for school purposes or local improvement rates.

5. This agreement is subject to the approval of the ratepayers of the City of Port Arthur entitled to vote thereon and the City agrees to have this agreement submitted to the vote of the electors at the next annual Municipal Election.

In witness whereof the parties hereto have caused their corporate seals to be hereunto affixed, attested by the proper officers in that behalf.

Signed, sealed and delivered
In the presence of:

THE CORPORATION OF THE CITY OF PORT ARTHUR.

J. W. CROOKS,
Acting Mayor.

(Seal.)

T. F. MILNE,
City Clerk.

PROVINCIAL PAPER MILLS, LIMITED,

I. H. WELDON,
President.

S. F. DUNCAN,
Secretary.

Certified copy,
T. F. MILNE,
Clerk.

No. 7.

3rd. Session, 15th. Legislature,
12 George V, 1922.

BILL.

An Act respecting the City of
Port Arthur.

1st Reading,	1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Private Bill.*)

Mr. HOGARTH.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty

BILL

An Act to enable the Town of Gananoque to withdraw from the jurisdiction of the United Counties of Leeds and Grenville.

WHEREAS the Municipal Corporation of the Town of ^{Preamble.} Gananoque has by its petition represented that the said Town of Gananoque, has for many years formed a portion of the United Counties of Leeds and Grenville, and that the said town is contiguous to a prosperous agricultural district and contains a number of important manufacturing industries, and in addition thereto is a noted summer resort, lying as it does upon the banks of the River St. Lawrence, amongst the 1,000 Islands and that by reason of its numerous and important manufacturing concerns and its special requirements as a summer resort, its municipal requirements are distinctly different from those of all other municipalities in the United Counties of Leeds and Grenville, and that the situation of the Town of Gananoque lying at the extreme south-westerly corner of said United Counties causes it to receive much less benefit from the construction of county roads and bridges, upon which large sums have been spent than do other municipalities in said United Counties; and whereas the only other towns in said United Counties of Leeds and Grenville, namely, the Towns of Brockville and of Prescott are and have been for many years separated from the said United Counties; and whereas said town has notified the county council of said United Counties of their intention to apply for withdrawal of said Town of Gananoque from the jurisdiction of the said United Counties of Leeds and Grenville; and whereas, the said United Counties do not oppose said proposed withdrawal of the said town from the said United Counties; and whereas the electors of the Town of Gananoque at the recent municipal election approved of said withdrawal by a large majority; and whereas the said Town of Gananoque has petitioned to have the town withdrawn from the jurisdiction of the council of the United Counties of Leeds and Grenville; and whereas from the conditions aforesaid as well as from other considerations, it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

Interpretation.

1. In this Act:—

"Town."

(a) "Town" shall mean the Town of Gananoque.

"United Counties."

(b) "United Counties" shall mean the United Counties of Leeds and Grenville.

By-law to separate town from United Counties.

Rev. Stat. c. 192.

2. The Council of the Town of Gananoque may pass a By-law to withdraw the Town from the jurisdiction of the County Council of the United Counties of Leeds and Grenville within which said town is situated upon obtaining the assent of the electors to the By-law in the manner provided by *The Municipal Act*.

Town required to pay to county share of certain charges and costs and expenses.

Rev. Stat. c. 124.

Rev. Stat. c. 192.

3. After the passing of the By-law, the said Town of Gananoque shall as part of the United Counties for judicial purposes bear and pay its share or proportion to be agreed upon or settled by arbitration as hereinafter mentioned of all charges and expenses from time to time incurred for the purposes mentioned in Section 23 of *The Registry Act* and in erecting, enlarging, improving, repairing and maintaining the Court House of said United Counties and of its proper lighting, cleaning and heating; of drafting, selecting, enrolling and paying jurors; in providing the accommodations and other matters mentioned in subsection 1 of Section 377 of *The Municipal Act*; and of all charges relating to the administration of justice including Coroners inquests and fees of County Constables which shall in the first instance be borne and paid by the United Counties and the expenses and salary of Public School Inspection and the expenses in connection with examinations for entrance into high school in said United Counties, excepting only such costs, charges and expenses as the said United Counties are entitled, to be repaid by the Province of Ontario.

House of Industry.

4. Said town agrees to release all interest in The House of Industry at or near Athens in said United Counties and shall have the right to send inmates to said House of Industry on terms to be arranged from time to time within said United Counties.

3.

5. Said Town shall have the right to send prisoners to the common gaol at the Town of Brockville for imprisonment for Statutory offences or for breach of Municipal By-laws, or for transmission to The Penitentiary, Central Prison, Reformatories, Industrial Schools or other public institutions of the Province of Ontario, as heretofore enjoyed by said town, the same to be paid for by the town to the said United Counties at a rate per diem to be mutually agreed upon by said parties, the rate or charge not to exceed that chargeable to the Town of Brockville by said United Counties, for like purposes.

Use of gaol.

6. Until separation from the United Counties is completed the liability of the town to pay its share of the debt of said United Counties and the costs, charges and expenses referred to in Sections 3, 4 and 5 of this Act shall remain unaltered and from and after the separation of the said Town from the said United Counties, if such separation takes place on or before 30th of June, 1922, or before 31st of December, 1922, said Town shall pay its share or proportion of the debenture debt of the said United Counties as the same matures and shall in each year thereafter pay its due share or liability of the balance of the debenture debt of the said United Counties in force at the time of separation as the same existed on the 1st day of March, 1922, which are chargeable to said Town and its share or proportion of the costs, charges, and expenses referred to in Sections 3, 4 and 5 hereof. The charges and expenses of which the Town shall bear and pay its share or proportion as aforesaid shall be the net charges and expenses after deducting from such charges and expenses all receipts by the United Counties from any source on such accounts.

Contribution
by town
until and
after
separation.

7. If the accounts to be borne and paid by the Town under Section 3 be not mutually agreed upon by the said Town and United Counties, the same shall be ascertained by arbitration under *The Municipal Act* and the share or proportion or sum to be borne by the Town and United Counties respectively shall be in proportion to the respective populations of the said Town and United Counties as returned and shown in the last Census of The Dominion of Canada; and the said arbitrators shall apportion the respective proportions or charges and expenses as between the Town and the United Counties on the basis of their respective populations as shown by the last Census taken and returned by the Dominion of Canada.

Arbitration in
case of fail-
ure to agree.

Rev. Stat.
c. 192.

Proclamation
of separation
by Lieuten-
ant-Governor.

8. When the agreement or award has been made, a copy of the same and of the By-law duly verified by affidavit shall be transmitted to the Lieutenant-Governor who may thereupon issue his proclamation withdrawing the Town from the jurisdiction of the United Counties.

Title to road,
bridges and
other
property.

9. After the withdrawal of the Town from the said United Counties the county roads and bridges outside of the town shall be the sole and exclusive property of the United Counties and the roads and bridges within the Town shall become the exclusive property of the Town, but notwithstanding the withdrawal of the Town from the United Counties the Town shall retain and continue to have the same right, title and interest in all other property of the United Counties in common with said United Counties as said Town possessed before such withdrawal, subject nevertheless to the provisions of Section 3 of this Act.

Office of
reeve and
deputy reeve
to cease.

10. After the proclamation has been issued the offices of Reeve and Deputy Reeve of the Town shall cease and no By-law of the council of the said United Counties thereafter made shall have any force in the Town except so far as relates to the Court House and the Town shall not thereafter be liable to the United Counties for or be obliged to pay the United Counties any money for debts of the United Counties or for any other purposes of said United Counties except the sums agreed upon or awarded as aforesaid and such payments as said Town may be liable for in respect of the present existing debenture debt of said United Counties and not otherwise for which said Town is liable.

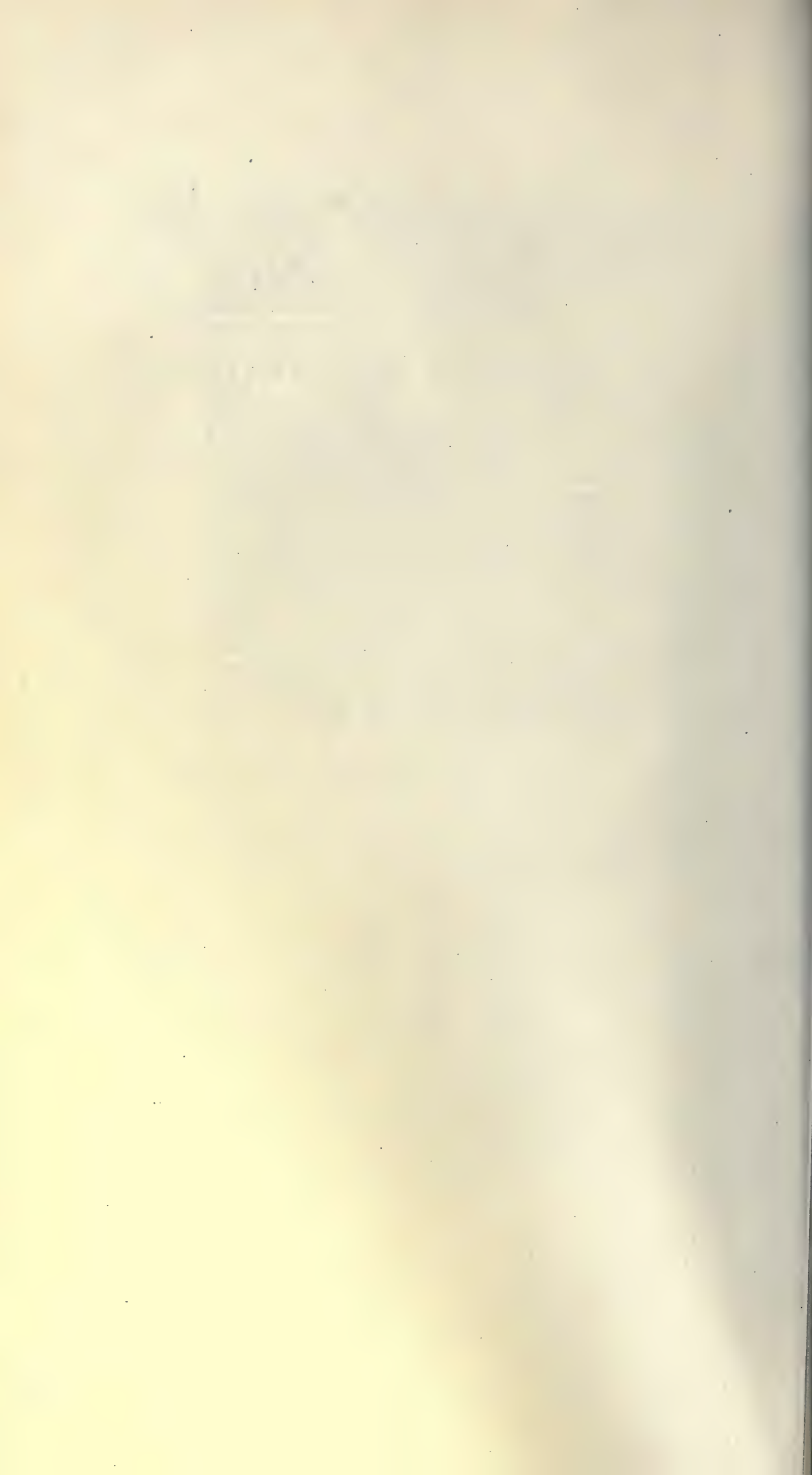
New agree-
ment after
lapse of
five years.

11. In the month of May before the lapse of five years from the time of the said agreement or award and quinquennially thereafter, a new agreement or award may be made to ascertain the amount to be paid by the Town to the United Counties in common with said United Counties hereof, and in ascertaining such amount, the same shall be based on the population of said Town and United Counties as shown in the last preceding Census of the Dominion of Canada, which shall be for all time the basis of adjustment for said Town and United Counties except as regards the fixing of the amounts payable for use of common gaol or for inmates of the House of Industry.

5.

12. The Council of the Town after the expiration of five years from the withdrawal may pass a By-law to be assented by the electors in the manner provided for by *The Municipal Act* in respect of By-laws for creating debts, to reunite with said United Counties. The By-law shall have no effect unless ratified and confirmed within six months after the passing thereof by the Council of the said United Counties and unless the terms and conditions which the Town is to pay, perform or be subject to have been previously agreed upon or settled in manner following, that is to say; before the By-law is confirmed by the Council of the said United Counties, the Councils of the Town and said United Counties shall determine by agreement the amounts of the debts of the Town and United Counties respectively which are to be paid or borne by the United Counties after the re-union or what amounts are to be payable by a special rate to be imposed upon the rate-payers of the Town, over and above all other county rates and all other matters relating to property assets or advantages consequent upon the re-union and affecting the United Counties or Town respectively and such other terms or conditions as appear just, shall be settled by such agreement and in default of such agreement being come to within three months after the passing of the By-law by the Council of the Town the said matters shall be settled by arbitration as provided by *The Municipal Act*.

Provision for
re-union with
United
Counties.



No. 8.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act to enable the Town of Gamanogue
to withdraw from the Jurisdiction
of the United Counties of
Leeds and Grenville.

1st Reading,	1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Private Bill.*)

MR. GRAY.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to enable the Town of Gananoque to Withdraw from the Jurisdiction of the United Counties of Leeds and Grenville.

WHEREAS the Municipal Corporation of the Town of Gananoque has by its petition represented that the said Town of Gananoque, has for many years formed a portion of the United Counties of Leeds and Grenville, and that the said town is contiguous to a prosperous agricultural district and contains a number of important manufacturing industries, and in addition thereto is a noted summer resort, lying as it does upon the banks of the River St. Lawrence, amongst the 1,000 Islands and that by reason of its numerous and important manufacturing concerns and its special requirements as a summer resort, its municipal requirements are distinctly different from those of all other municipalities in the United Counties of Leeds and Grenville, and that the situation of the Town of Gananoque lying at the extreme south-westerly corner of said United Counties causes it to receive much less benefit from the construction of county roads and bridges, upon which large sums have been spent than do other municipalities in said United Counties; and whereas the only other towns in said United Counties of Leeds and Grenville, namely, the Towns of Brockville and of Prescott are and have been for many years separated from the said United Counties; and whereas said town has notified the county council of said United Counties of their intention to apply for withdrawal of said Town of Gananoque from the jurisdiction of the said United Counties of Leeds and Grenville; and whereas, the said United Counties do not oppose said proposed withdrawal of the said town from the said United Counties; and whereas the electors of the Town of Gananoque at the recent municipal election approved of said withdrawal by a large majority; and whereas the said Town of Gananoque has petitioned to have the town withdrawn from the jurisdiction of the council of the United Counties of Leeds and Grenville; and whereas from the conditions aforesaid as well as from other considerations, it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

Interpretation. 1. In this Act:—

"Town."

(a) "Town" shall mean the Town of Gananoque.

"United Counties."

(b) "United Counties" shall mean the United Counties of Leeds and Grenville.

By-law to separate town from United Counties.

Rev. Stat. c. 192.

Town required to pay to county share of certain charges and costs and expenses.

Rev. Stat. c. 124.

Rev. Stat. c. 192.

House of Industry.

Contribution by town until and after separation.

2. The Council of the Town of Gananoque may pass a By-law to withdraw the Town from the jurisdiction of the County Council of the United Counties of Leeds and Grenville within which said town is situated upon obtaining the assent of the *municipal* electors to the By-law in the manner provided by *The Municipal Act*.

3. After the passing of the By-law, the said Town of Gananoque shall as part of the United Counties for judicial purposes bear and pay its share or proportion to be agreed upon or settled by arbitration as hereinafter mentioned of all charges and expenses from time to time incurred for the purposes mentioned in Section 23 of *The Registry Act* and in erecting, enlarging, improving, repairing and maintaining the Court House and Gaol of the said United Counties and of its proper lighting, cleaning and heating; of drafting, selecting, enrolling and paying jurors; in providing the accommodations and other matters mentioned in subsection 1 of Section 377 of *The Municipal Act*; and of all charges relating to the administration of justice including Coroners inquests and fees of County Constables which shall in the first instance be borne and paid by the United Counties, excepting only such costs, charges and expenses as the said United Counties are entitled, to be repaid by the Province of Ontario.

~~127~~

4. The town agrees to release all interest in the House of Industry at or near Athens in the United Counties. ~~128~~

5. Until separation from the United Counties is completed the liability of the town to pay its share of the debt of said United Counties and the costs, charges and expenses referred to in Section 3 of this Act shall remain unaltered and from and after the separation of the said Town from the said United Counties, if such separation takes place on or before 30th of June, 1922, or before 31st of December, 1922, said Town shall pay its share or proportion of the debenture debt of the said United Counties

3.

as the same matures and shall in each year thereafter pay its due share or liability of the balance of the debenture debt of the said United Counties in force at the time of separation as the same existed on the 1st day of March, 1922, which are chargeable to said Town and its share or proportion of the costs, charges, and expenses referred to in Section 3. The charges and expenses of which the Town shall bear and pay its share or proportion as aforesaid shall be the net charges and expenses after deducting from such charges and expenses all receipts by the United Counties from any source on such accounts.

6. If the accounts to be borne and paid by the Town under Section 3 be not mutually agreed upon by the said Town and United Counties, the same shall be ascertained by arbitration under *The Municipal Act* and the share or proportion or sum to be borne by the Town and United Counties respectively shall be in proportion to the respective populations of the said Town and United Counties as returned and shown in the last Census of The Dominion of Canada; and the said arbitrators shall apportion the respective proportions or charges and expenses as between the Town and the United Counties on the basis of their respective populations as shown by the last Census taken and returned by the Dominion of Canada.

Arbitration in case of failure to agree.

Rev. Stat. c. 192.

7. When the agreement or award has been made, a copy of the same and of the By-law duly verified by affidavit shall be transmitted to the Lieutenant-Governor who may thereupon issue his proclamation withdrawing the Town from the jurisdiction of the United Counties.

Proclamation of separation by Lieutenant-Governor.

8. After the withdrawal of the Town from the said United Counties the county roads and bridges outside of the town shall be the sole and exclusive property of the United Counties and the roads and bridges within the Town shall become the exclusive property of the Town, but notwithstanding the withdrawal of the Town from the United Counties the Town shall retain and continue to have the same right, title and interest in all other property of the United Counties in common with said United Counties as said Town possessed before such withdrawal, subject nevertheless to the provisions of Section 3 of this Act.

Title to road, bridges and other property.

Office of
reeve and
deputy reeve
to cease.

9. After the proclamation has been issued the offices of Reeve and Deputy Reeve of the Town shall cease and no By-law of the council of the said United Counties thereafter made shall have any force in the Town except so far as relates to the Court House and Gaol and the Town shall not thereafter be liable to the United Counties for or be obliged to pay the United Counties any money for debts of the United Counties or for any other purposes of said United Counties except the sums agreed upon or awarded as aforesaid and such payments as said Town may be liable for in respect of the present existing debenture debt of said United Counties and not otherwise for which said Town is liable.

New agree-
ment after
lapse of
five years.

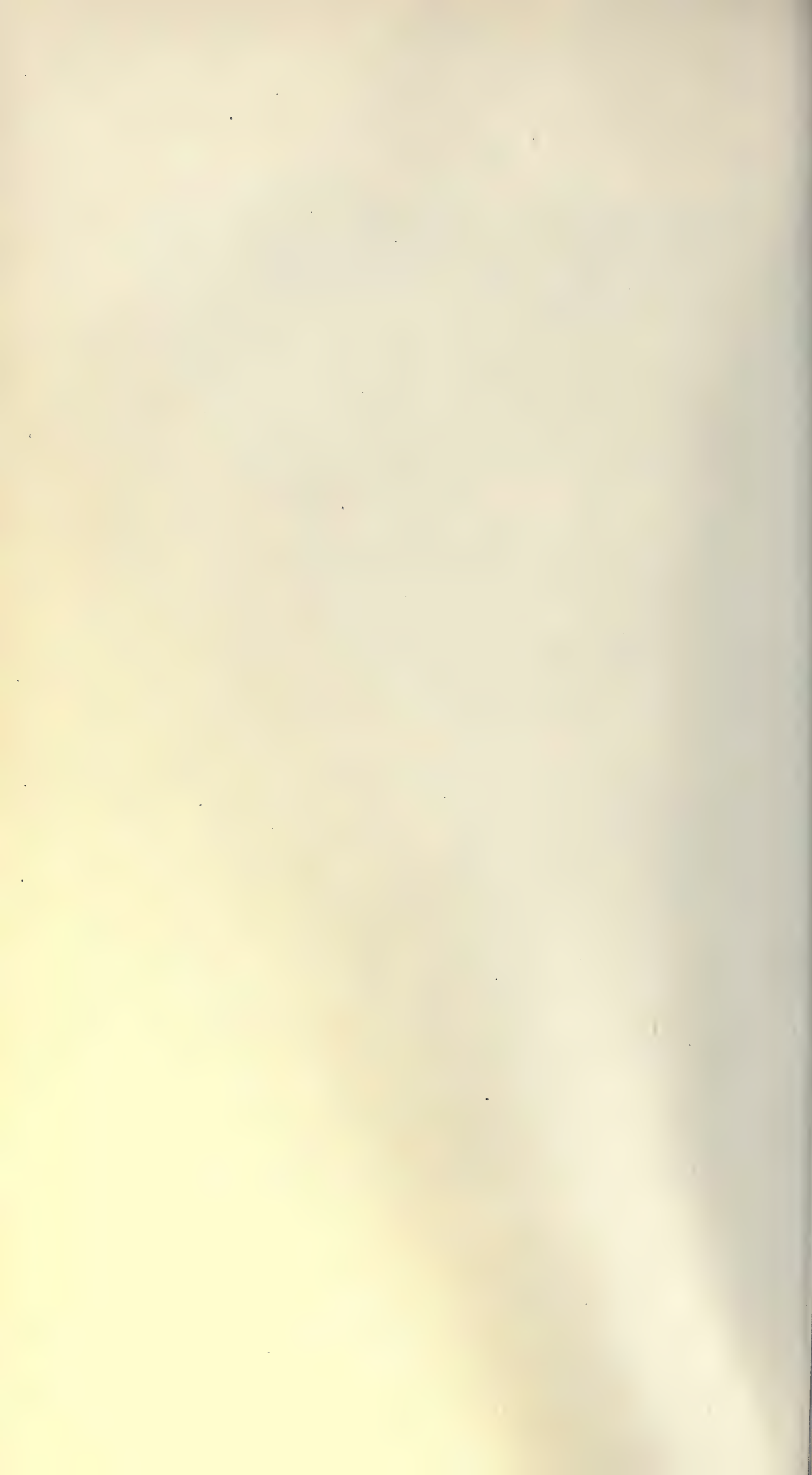
10. In the month of May before the lapse of five years from the time of the said agreement or award and quinquennially thereafter, a new agreement or award may be made to ascertain the amount to be paid by the Town to the United Counties in common with said United Counties hereof, and in ascertaining such amount, the same shall be based on the population of said Town and United Counties as shown in the last preceding Census of the Dominion of Canada, which shall be for all time the basis of adjustment for said Town and United Counties.

Provision for
re-union with
United
Counties.

11. The Council of the Town after the expiration of five years from the withdrawal may pass a By-law to be assented by the electors in the manner provided for by *The Municipal Act* in respect of By-laws for creating debts, to reunite with said United Counties. The By-law shall have no effect unless ratified and confirmed within six months after the passing thereof by the Council of the said United Counties and unless the terms and conditions which the Town is to pay, perform or be subject to have been previously agreed upon or settled in manner following, that is to say; before the By-law is confirmed by the Council of the said United Counties, the Councils of the Town and said United Counties shall determine by agreement the amounts of the debts of the Town and United Counties respectively which are to be paid or borne by the United Counties after the re-union or what amounts are to be payable by a special rate to be imposed upon the rate-payers of the Town, over and above all other county rates and all other matters relating to property assets or advantages consequent upon the re-union and affecting the United Counties

5.

or Town respectively and such other terms or conditions as appear just, shall be settled by such agreement and in default of such agreement being come to within three months after the passing of the By-law by the Council of the Town the said matters shall be settled by arbitration as provided by *The Municipal Act*.



No. 8.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act to enable the Town of Gananoque
to withdraw from the Jurisdiction
of the United Counties of
Leeds and Grenville.

1st Reading,	23rd February, 1922.
2nd Reading,	1922.
3rd Reading,	1922.

*(Reprinted as amended by the Private
Bills Committee.)*

MR. GRAY.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Ottawa Civic Hospital Act

WHEREAS the Corporation of the City of Ottawa has, Preamble
by its petition, prayed that it be enacted as herein-
after set forth; and whereas it is expedient to grant the prayer
of the said petition;

Therefore, His Majesty, by and with the advice and con-
sent of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. This Act may be cited as *The Ottawa Civic Hospital* Short title.
Amendment Act, 1922.

2. Section 9 of *The Ottawa Civic Hospital Act* is 1919 c. 122.
amended by adding the following as subsection 4: s. 9 amended.

(4) It shall be the duty of the said Board to prepare Specifications,
specifications for, and to award all contracts, tenders;
and for that purpose to call for all tenders for submission
works, material and supplies or other goods or to council.
property required, and which may lawfully be
purchased for the use of the Hospital, and to re-
port its action to the Council at the next meeting,
and the Council shall not, without a two-thirds
vote, reverse or vary the action of the Board in
respect of tenders, when the effect of such vote
would be to increase the cost of the work, or to
award the contract to a tenderer other than the
one to whom the Board has awarded it.

3. The said Act is further amended by adding thereto
the following sections:

- 12a. The Board of Trustees may, out of any gift, trust, bequest, devise or grant, or out of the income or proceeds thereof, made, given, or conveyed to any one of the hospitals mentioned in section 12, but which by virtue of the provisions of such section has been paid over to and received by the said Board of Trustees, pay over to such hospital a sum or sums of money not exceeding in all \$100,000 for the purposes of such hospital.
- Authority of Board to pay certain hospital money not exceeding \$100,000.

18. In this Act,

Interpretation

- (a) "Council" shall mean the Council of the Corporation of the City of Ottawa. "Council"
- (b) "Corporation" shall mean the Corporation of the City of Ottawa. "Corporation"
- (c) "Board of Trustees" shall mean the Board of Trustees of the Hospital established under the provisions of this Act. "Board of Trustees."

4. That certain agreement between the Corporation of the City of Ottawa, of the one part, and the Directors of the County of Carleton General Protestant Hospital, the St. Luke's General Hospital, and the Ottawa Maternity Hospital, of the other part, set out in Schedule "A" hereto, is hereby ratified and confirmed, and declared to be binding upon the several parties thereto, according to its true intent and meaning, and the said parties are hereby respectively granted all such powers as may be necessary or convenient for the purpose of carrying into effect the provisions thereof.

Agreement set out in Schedule "A" confirmed.

SCHEDULE "A"

This agreement made in quadruplicate the day of January, A.D. 1922.

Between:

The Directors of the County of Carleton General Protestant Hospital, the St. Luke's General Hospital and the Ottawa Maternity Hospital, hereinafter called the "Hospitals," of the first part

and

The Municipal Corporation of the City of Ottawa, hereinafter called the "Corporation," of the second part.

Whereas by a certain agreement in writing, dated the 10th day of March, A.D. 1919, and made between the parties hereto, it was agreed that the said parties should join in an application to the Legislative Assembly of the Province of Ontario, for the purpose of procuring such powers as might be required in order to authorize the Corporation to construct, equip and maintain a new Hospital, adequate to the requirements of the City of Ottawa, and for the purpose of carrying out the functions and work heretofore exercised and performed by the Hospitals;

And whereas such powers were granted by an Act of the Legislature, passed at the session thereof held in the ninth year of the reign of His Majesty King George V., chaptered 122;

And whereas by the said Act, the said agreement dated the 10th day of March, A.D. 1919 was ratified and confirmed, and declared to be binding upon the parties thereto.

And whereas it was by the said Agreement provided that the same should cease to be binding upon the Hospitals, should the Corporation fail to provide such Hospital as is specified in the said Agreement, on or before the 31st day of December, A.D. 1921;

And whereas by a certain other Agreement in writing, dated the 20th day of February, A.D. 1920, and made between the parties hereto, it was provided that the time within which the said Corporation should construct and complete such Hospital should be extended to the 31st day of December, A.D. 1923;

And whereas the Corporation has represented to the Hospitals that, owing to the high cost of building, and the delay in the construction of the said Hospital, it may become impossible for the Corporation to provide such Hospital before the 31st day of December, A.D. 1924.

And whereas the Hospitals are willing that the time within which the Corporation should provide such Hospital shall be extended as hereinafter provided;

Now, therefore, this Agreement witnesseth, that the parties hereto have agreed the each with the other as follows:

1. That that portion of the said Agreement dated March 10th, 1919, and set out as Schedule "A" to Chapter 122 of the Acts of the Legislature for the year 1919 which relates to the obligation of the Corporation to complete such Hospital, shall be altered so as to read:

"This Agreement shall cease to be binding upon the Hospitals should the Corporation fail to provide such Hospital on or before the 31st day of December, A.D. 1924.

2. In all other respects the said Agreement and the provisions thereof are hereby ratified and confirmed.

In witness whereof the parties hereto have hereunto respectively affixed their corporate seals attested by the hands of their officers duly authorized in that behalf.

Signed, sealed and delivered
in the presence of—

The Directors of the County of
Carleton General Protestant Hos-
pital.

D. M. FINNIE,
President.
T. W. KENNY,
Secretary.

(Seal)

The St. Luke's General Hospital.

Vice-President.
Hon. Secretary.

The Ottawa Maternity Hospital.

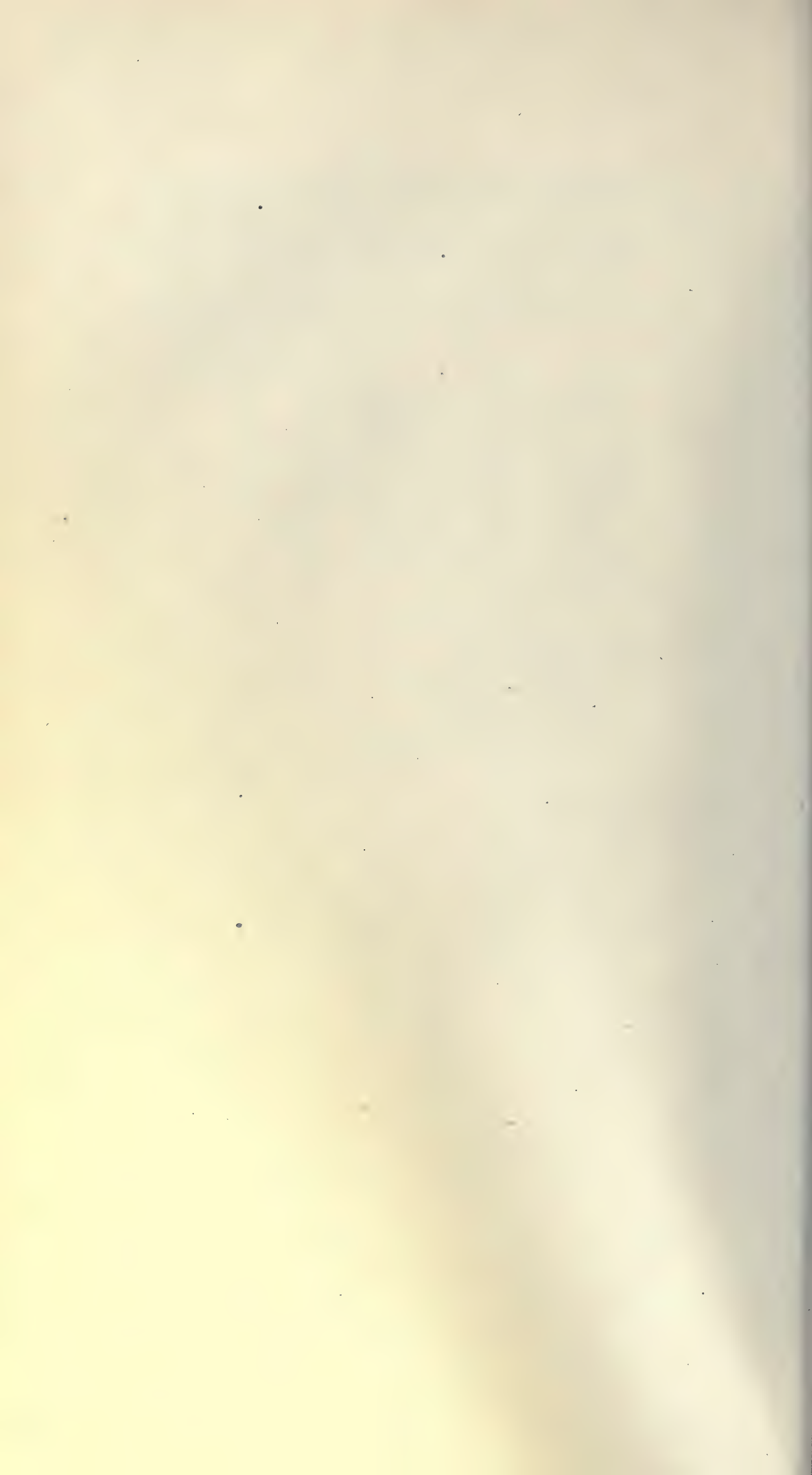
ELLA W. BRONSON,
President.

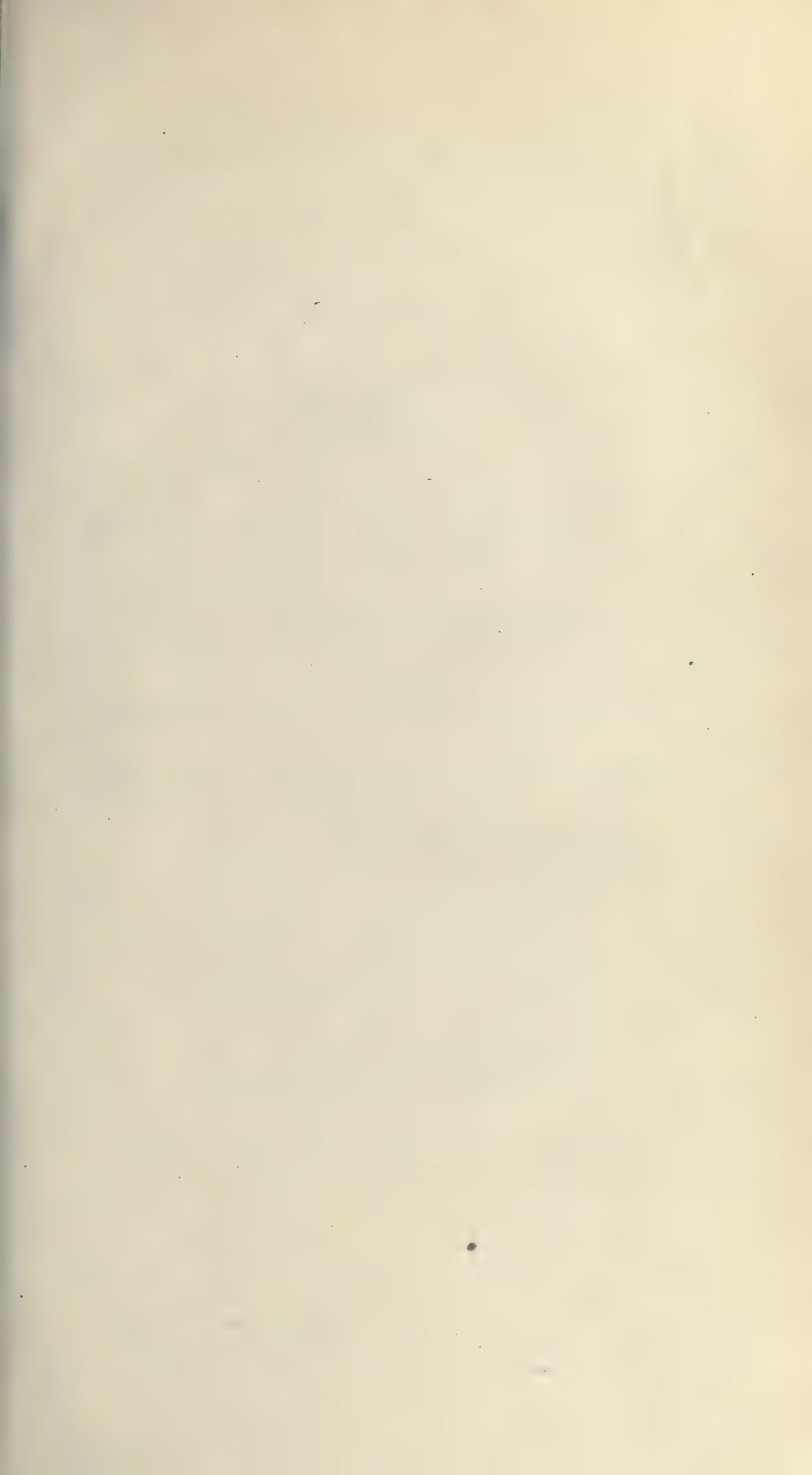
BESS CAMPBELL BARBER,
Recording Secretary.

The Corporation of the City of
Ottawa.

(Seal)

Mayor.
Clerk.





No. 9.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act to amend The Ottawa
Civic Hospital Act.

1st Reading,	1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Private Bill*)

MR. HILL.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Ottawa Civic Hospital Act

WHEREAS the Corporation of the City of Ottawa has, Preamble
by its petition, prayed that it be enacted as herein-
after set forth; and whereas it is expedient to grant the prayer
of the said petition;

Therefore, His Majesty, by and with the advice and con-
sent of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. This Act may be cited as *The Ottawa Civic Hospital* Short title.
Amendment Act, 1922.

2. Section 9 of *The Ottawa Civic Hospital Act* is 1919 c. 122.
amended by adding the following as subsection 4: s. 9 amended.

- (4) It shall be the duty of the said Board to prepare Specifications,
specifications for, and to award all contracts, tenders:
and for that purpose to call for all tenders for submission
works, material and supplies or other goods or to council.
property required, and which may lawfully be
purchased for the use of the Hospital, and to re-
port its action to the Council at the next meeting,
and the Council shall not, without a two-thirds
vote, reverse or vary the action of the Board in
respect of tenders, when the effect of such vote
would be to increase the cost of the work, or to
award the contract to a tenderer other than the
one to whom the Board has awarded it.



3. The said Act is further amended by adding thereto
after the word "shall" in the seventh line of section 12

thereof, the words and figures "subject to the exceptions set out in section 12a hereof and," and by adding thereto the following sections:—

Authority to
pay over
\$100,000 to
Hospital.

12a.—(1) The executors or trustees of the Estate of the late Robert Montgomery Cox are authorized and empowered to pay over to the Governors or Directors of St. Luke's General Hospital, out of the gift trust and bequest made to such Hospital by the late Robert Montgomery Cox any sum or sums of money up to but not exceeding a total of one hundred thousand dollars (\$100,000).

Expenditure
of money.


(2) The Governors or Directors of the said Hospital may at any time prior to the time fixed for the conveyance of the real and personal estate of such Hospital to the Corporation of the City of Ottawa, pursuant to the provisions of the agreement set out in Schedule "A" to this Act, expend the whole or part of the said sum of \$100,000 in carrying on and discharging the ordinary functions of such Hospital, and in making payment of the cost of purchasing or of constructing a suitable building for use as a Nurses' Home and of purchasing land for such purpose.

Authority
to pay
interest on
request.

(3) The Trustees of the Ottawa Civic Hospital may from time to time upon the request of the Governors or Directors of the said Hospital, pay over to them the whole or part of the interest which may be earned upon such part of the said bequest as may be converted into money and of the dividends received upon such part of the said bequest as may not have been converted into money.

Payment of
\$21,500 to
St. Luke's
Hospital.

(4) The Trustees of the Ottawa Civic Hospital out of moneys heretofore received by them from the Executors or Trustees of the Estate of the late Robert Montgomery Cox, under the provisions of section 12 of *The Ottawa Civic Hospital Act*, amounting to \$21,500, shall pay over to the Corporation of the City of Ottawa the sum of \$15,000 with such interest as may have been earned thereon by way of refund of the sum of \$15,000 heretofore paid or advanced by the said City Corporation to the said St. Luke's Hospital, and the said Civic Hospital Trustees shall furthermore pay over the remaining \$6,500 now

in their hands, with any interest earned thereon to the said St. Luke's Hospital, and these said payments of \$15,000 and \$6,500 shall be deemed to be payments made under the authority of subsection 1 of this section. 

18. In this Act,

- (a) "Council" shall mean the Council of the Corporation of the City of Ottawa.
- (b) "Corporation" shall mean the Corporation of the City of Ottawa.
- (c) "Board of Trustees" shall mean the Board of Trustees of the Hospital established under the provisions of this Act.

4. That certain agreement between the Corporation of the City of Ottawa, of the one part, and the Directors of the County of Carleton General Protestant Hospital, the St. Luke's General Hospital, and the Ottawa Maternity Hospital, of the other part, set out in Schedule "A" hereto, is hereby ratified and confirmed, and declared to be binding upon the several parties thereto, according to its true intent and meaning, and the said parties are hereby respectively granted all such powers as may be necessary or convenient for the purpose of carrying into effect the provisions thereof.

Agreement
set out in
Schedule "A"
confirmed.

SCHEDULE "A"

This agreement made in quadruplicate the day of January, A.D. 1922.

Between:

The Directors of the County of Carleton General Protestant Hospital, the St. Luke's General Hospital and the Ottawa Maternity Hospital, hereinafter called the "Hospitals," of the first part

and

The Municipal Corporation of the City of Ottawa, hereinafter called the "Corporation," of the second part.

Whereas by a certain agreement in writing, dated the 10th day of March, A.D. 1919, and made between the parties hereto, it was agreed that the said parties should join in an application to the Legislative Assembly of the Province of Ontario, for the purpose of procuring such powers as might be required in order to authorize the Corporation to construct, equip and maintain a new Hospital, adequate to the requirements of the City of Ottawa, and for the purpose of carrying out the functions and work heretofore exercised and performed by the Hospitals;

And whereas such powers were granted by an Act of the Legislature, passed at the session thereof held in the ninth year of the reign of His Majesty King George V., chaptered 122;

And whereas by the said Act, the said agreement dated the 10th day of March, A.D. 1919 was ratified and confirmed, and declared to be binding upon the parties thereto.

And whereas it was by the said Agreement provided that the same should cease to be binding upon the Hospitals, should the Corporation fail to provide such Hospital as is specified in the said Agreement, on or before the 31st day of December, A.D. 1921;

And whereas by a certain other Agreement in writing, dated the 20th day of February, A.D. 1920, and made between the parties hereto; it was provided that the time within which the said Corporation should construct and complete such Hospital should be extended to the 31st day of December, A.D. 1923;

And whereas the Corporation has represented to the Hospitals that, owing to the high cost of building, and the delay in the construction of the said Hospital, it may become impossible for the Corporation to provide such Hospital before the 31st day of December, A.D. 1924.

And whereas the Hospitals are willing that the time within which the Corporation should provide such Hospital shall be extended as hereinafter provided;

Now, therefore, this Agreement witnesseth, that the parties hereto have agreed the each with the other as follows:

1. That that portion of the said Agreement dated March 10th, 1919, and set out as Schedule "A" to Chapter 122 of the Acts of the Legislature for the year 1919 which relates to the obligation of the Corporation to complete such Hospital, shall be altered so as to read:

"This Agreement shall cease to be binding upon the Hospitals should the Corporation fail to provide such Hospital on or before the 31st day of December, A.D. 1924.

2. In all other respects the said Agreement and the provisions thereof are hereby ratified and confirmed.

In witness whereof the parties hereto have hereunto respectively affixed their corporate seals attested by the hands of their officers duly authorized in that behalf.

Signed, sealed and delivered
in the presence of—

The Directors of the County of
Carleton General Protestant Hos-
pital.

D. M. FINNIE,
President.
T. W. KENNY,
Secretary.

(Seal)

The St. Luke's General Hospital.

ROBT. GILL,
Vice-President.

R. W. POWELL,
Hon. Secretary.

The Ottawa Maternity Hospital.

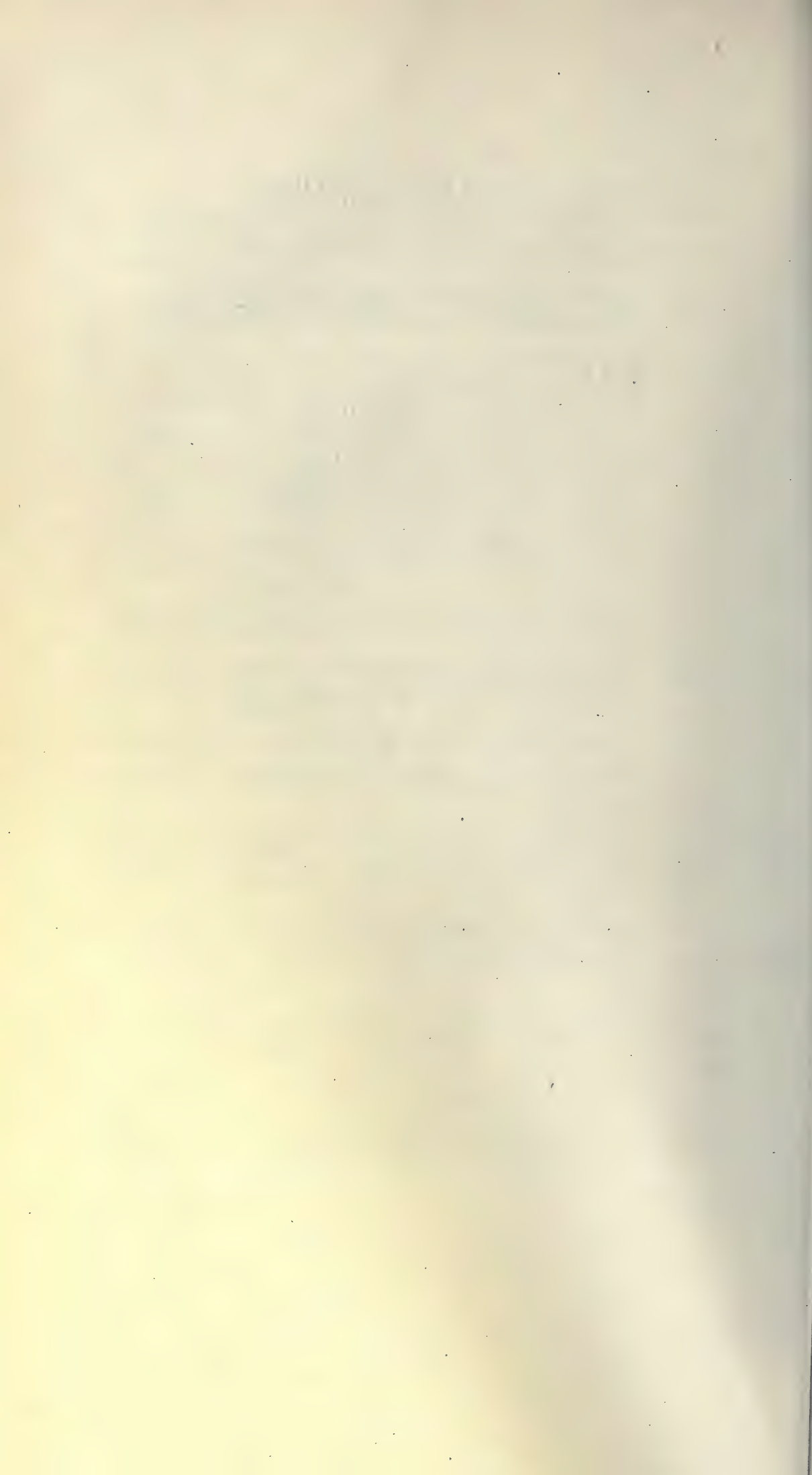
ELLA W. BRONSON,
President.

BESS CAMPBELL BARBER,
Recording Secretary.

The Corporation of the City of
Ottawa.

(Seal)

F. H. PLANT,
Mayor.
NORMAN H. H. LETT,
Clerk.



No. 9.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act to amend The Ottawa
Civic Hospital Act.

1st Reading,	7th March, 1922.
2nd Reading,	1922.
3rd Reading,	1922.

*(Reprinted as amended by the Private
Bills Committee.)*

MR. HILL.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the City of Ottawa.

WHEREAS the Corporation of the City of Ottawa has presented a petition, praying that it should be enacted as hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The council of the said corporation may provide by by-laws for borrowing, and may borrow upon debentures of the corporation, payable within twenty years from their date of issue, sums of money not exceeding the following, to provide for the specified purposes:—

- (a) \$18,000.00, for the completion of the relief sewer from Pinard Street, thence across the Rideau River, to connect with the main sewer at or near Dufferin Road;
- (b) \$85,000.00 for the construction of a sewer to serve the Lady Grey Hospital.

2. The council of the said corporation may provide by by-laws for borrowing and may borrow upon debentures of the corporation, payable within ten years from their date of issue, sums of money not exceeding the following, to provide for the specified purposes:

- (a) \$10,000.00 for permanent repairs and additions to the civic garage;
- (b) \$25,000.00 for permanent repairs to certain of the fire stations of the Corporation;
- (c) \$5,000.00 for structural alterations in, and repairs to, the City Hall.

Power to
borrow
money for
certain pur-
poses upon
30 year
debentures.

3. The Council of the said corporation may provide by by-laws for borrowing, and may borrow upon debentures of the corporation, payable within thirty years from their date of issue, sums of money not exceeding the following, for the specified purposes:—

- (a) \$85,000.00, (in addition to all sums previously authorized) to pay for the completion of the bridge across the Rideau River at St. Patrick Street;
- (b) \$140,000.00 (in addition to all sums previously authorized) to provide for the Corporation's share of the cost of completing the new bridge across the Rideau River at the easterly end of Rideau Street;
- (c) \$150,000.00 to provide for the Corporation's share of the cost of constructing a new viaduct over the tracks of the Grand Trunk Railway and the Canadian Pacific Railway on Wellington Street;
- (d) \$100,000.00 to provide for the Corporation's share of the cost of constructing a new bridge over the Rideau Canal at Somerset Street.

Power to
borrow
money for
Waterworks
purposes
upon
30 year
debentures.

4. The Council of the said corporation may provide by by-laws for borrowing, and may borrow upon debentures of the corporation, payable within thirty years from their date of issue, for purposes connected with the waterworks of the corporation, sums of money not exceeding the following:—

- (a) \$160,000.00 to provide for the cost of laying an additional line of water pipes to form part of the water supply system of the corporation authorized by section 11 of Chapter 63 of 5 Geo V, and for making alterations in, and additions to the Water Works Pumping Plant;
- (b) \$100,000.00 to provide for the cost of constructing new water main extensions and services;
- (c) \$30,000.00 to provide for the cost of purchasing and installing water meters.

5.—(1) It shall not be necessary for the Corporation of the City of Ottawa to obtain the assent of the electors of the said city qualified to vote on money by-laws, to the passing of any of the debenture by-laws which shall be passed under the provisions of sections 1, 2, 3 and 4 of this Act, or to observe in respect thereto the formalities prescribed by *The Municipal Act* in relation to the passing of money by-laws.

Assent of electors to by-laws passed under Secs. 1, 2, 3 or 4 not required; nor need formalities of *Municipal Act* be observed. Rev. Stat. c. 192.

(2) All such debentures shall bear interest at such rate or rates as the Council of the said Corporation shall determine and the principal and interest thereof may be made payable in any manner authorized by *The Municipal Act* and amendments thereto.

Rate of interest; mode of payment. Rev. Stat. c. 192.

6.—(1) The Council of the said corporation, instead of borrowing the separate sums authorized to be borrowed by sections 1, 2, 3 and 4 of this Act, and issuing debentures therefor, may by a consolidating by-law provide for borrowing the aggregate of any two or more of such separate sums and for issuing one series of debentures therefor; provided that no such by-law shall consolidate debentures issued for any purpose of the Water Works of the Corporation with debentures issued for any other purpose.

Consolidating by-law; not to include waterworks.

(2) Every such consolidating by-law shall show by recitals or otherwise, in respect of what separate by-law it is passed.

Recitals to set out separate by-laws.

(3) It shall not be necessary that the consolidating by-law shall impose any rate to provide for the payment of the debentures issued under it, or the interest thereon but the rates imposed by the separate by-laws shall be levied, collected and applied for that purpose.

Consolidating by-law need not impose rates provided in separate by-laws.

7. No irregularity in the form of any of the debentures issued under the authority of this Act, or in any by-law authorizing the issue thereof, shall render the same invalid, or be allowed as a defence to any action against the Corporation of the City of Ottawa for the recovery of the amount thereof, or interest thereon, or any part thereof.

Irregularity not to invalidate or be allowed as defence.

8. For the payment of the debt and interest represented by the debentures to be issued under the authority of section 4 of this Act, there shall be annually raised by the corporation during the currency of the said debentures, with the authority conferred upon the corporation in and by the Act passed in the thirty-fifth year of the reign of Her late

Debt and interest to be met out of water rates.

Majesty, Queen Victoria, chaptered 80, and intituled *An Act for the Construction of Waterworks for the City of Ottawa*, from the water rates, a sum sufficient to discharge the said debt and interest when and as the same shall respectively become due, such sum to be in addition to the money required to be raised to meet the charges of maintenance and the cost of renewals in connection with the said waterworks, and for the payment of the principal and interest of all debts heretofore authorized to be contracted for the purposes of the said waterworks, but if at any time, the moneys accruing from the said water rates shall prove insufficient for the purposes aforesaid, then, when and so often as the said deficiency shall occur, there shall be raised, levied and collected by the said Corporation, by a special rate upon the assessable property of the said Corporation, according to the then last revised assessment roll thereof, a sum sufficient to make good such deficiency.

Power to
grant fixed
assessment to
Curling Club.

9.—(1) The Council of the said Corporation may provide by by-law to be passed without obtaining the assent of the electors thereto, for granting a fixed assessment of \$17,500.00 for a period not exceeding twenty years, upon the lands and buildings situate at the south-west corner of O'Connor Street and Argyle Avenue, and known as the East 100 feet 2½ inches of Lots "C" and "D," Lots "E" and "F," and the north 30 feet of Lots "I," "J" and "K," as shown upon registered Plan Number 68608, upon the condition that the said lands and buildings shall continue to be used solely for the purposes of a Curling Club and a Bowling Club, or either.

Council may
terminate
fixed assess-
ment if taxes
are in arrear
three months
or upwards.

(2) The said by-law shall provide that, should any taxes, water rates, local improvement rates, or other rates assessed against the said lands and buildings, remain unpaid and in arrear at any time for three months or upwards, the said council may by by-law forthwith terminate the said fixed assessment.

School taxes
not affected.

(3) The said by-law shall not apply to, or affect taxation for school purposes.

Fixed assess-
ment may be
terminated if
annual rental
exceeds
\$100.00.

(4) Should the yearly rental of the said lands and buildings be increased at any time so as to exceed the sum of one hundred dollars, the said fixed assessment may be terminated by the said Corporation at the end of the then current year.

10. The Council of the said Corporation may pay annually out of its general funds, for a period of ten years commencing with the year 1922, the sum of \$7,000.00, to the Board of Trustees of the Ottawa Firemen's Benevolent Association. Such amount, if paid, shall be in substitution for the amount provided for in the agreement dated February 9th, 1917, set out as schedule "A" to chapter 79 of the Acts of the Legislature passed in the year 1917, and shall be subject to the conditions and provisos in the said agreement contained.

Payment out of general funds to Firemen's Benevolent Association.

11. The Council of the said Corporation may acquire by purchase, or may expropriate, with the authority conferred by *The Municipal Act*, and in the manner prescribed by such Act, and may enter upon and take any parcel or parcels of land that it may require for use for the dumping of refuse and for the disposal of ashes and garbage and other refuse in connection with the garbage collection system of the corporation, and when no longer required for such purposes, may sell or otherwise dispose of the whole or any part of such lands.

Authority to purchase or expropriate land for disposal of garbage; and to sell when no longer required. Rev. Stat. c. 192.

12.—(1) The Council of the said Corporation may provide by by-laws to be passed under the provisions of, and with the authority conferred by, *The Local Improvement Act*, for undertaking and completing and for assessing and levying the cost of all or any of the following works, notwithstanding that the debentures heretofore issued to provide for the cost of the existing local improvement works of like character, which the proposed works will replace, either in whole or in part, have not as yet been retired;

Power to undertake works as local improvements before retirement of debentures which proposed works will replace. Rev. Stat. c. 193.

(a) The construction of a new asphalt, or asphalt and wood block pavement on Wellington Street between Garland Street and Parkdale Avenue;

(b) The construction of a new asphalt, or asphalt and wood block pavement on Nicholas Street, between Rideau Street and Laurier Avenue.

(2) Should the council avail itself of the authority conferred by subsection (1) of this section, it shall raise and pay annually out of its general funds, all such sums as shall remain to be raised in and after the year in which the first annual instalments of principal and interest of the debentures shall be due. In such case, council shall pay out of general fund, balance remaining on existing work under certain by-laws.

tures issued to provide for the cost of constructing such replacing work or works shall become payable, to defray the ratepayers' share of the cost of the local improvement work heretofore existing on such street as provided by local improvement by-laws numbers 2688, 3480 and 3686.

Authority to
distribute cer-
tain school
taxes between
Public and
S. S. Board
on assess-
ment basis.

Rev. Stat.
c. 195.

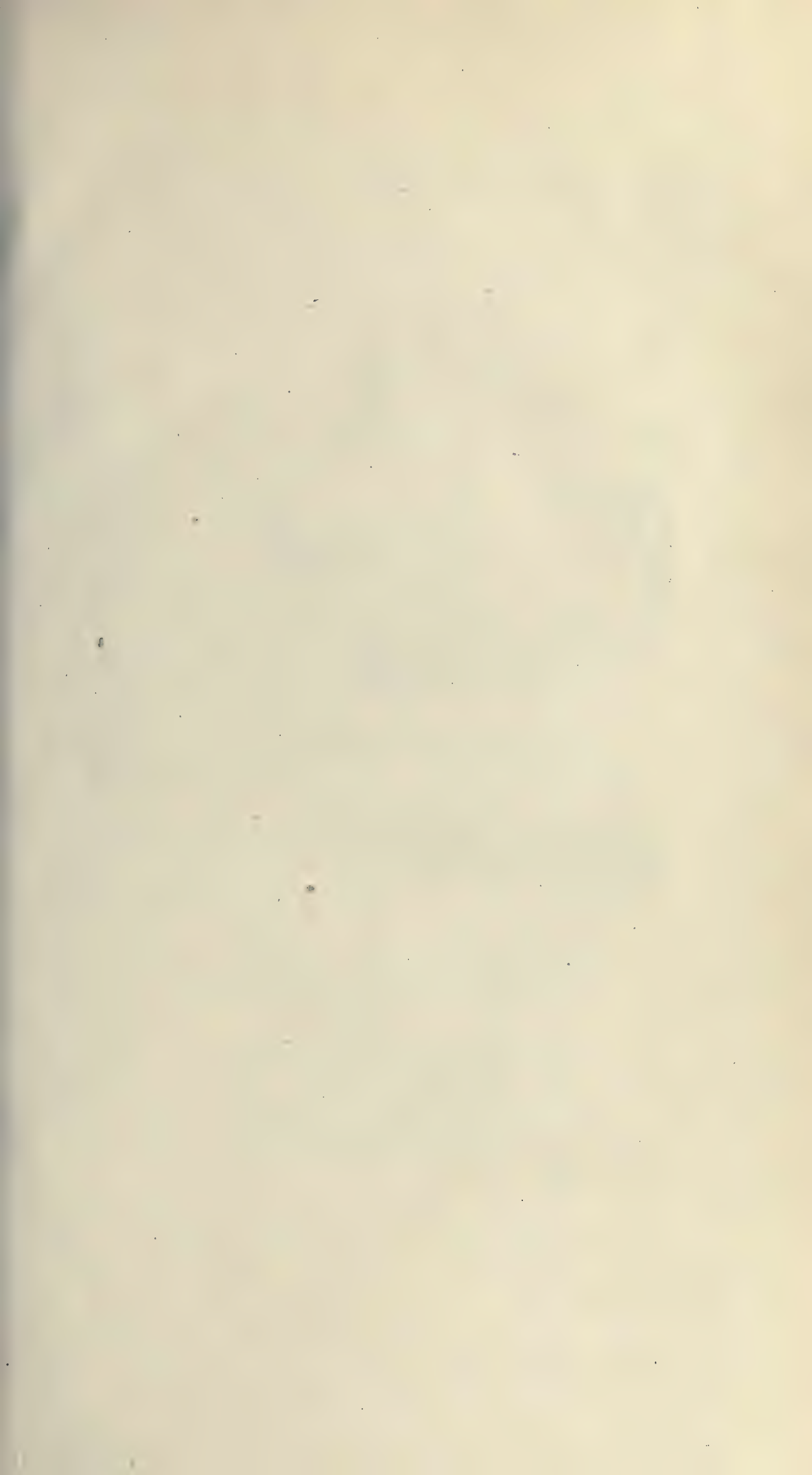
13. The Council of the said Corporation may provide by by-law for distributing annually between the City of Ottawa Public School Board and the Board of Trustees of the Roman Catholic Separate Schools for the City of Ottawa, all money received by the Corporation, in consequence of the taxation for school purposes, of land assessed under the provisions of Section 45a of *The Assessment Act*; provided that the amount paid over to the City of Ottawa Public School Board annually out of such taxes, and the amount paid over to the Board of Trustees for the Roman Catholic Separate Schools for the City of Ottawa, shall be the one to the other in the same proportion as the total assessed value of the rateable property of supporters of public schools in the said city shall, in such year, bear to the total assessed value of the rateable property of supporters of Roman Catholic separate schools.

Short title.

14. This Act may be cited as *The City of Ottawa Act, 1922*.

Commence-
ment of Act.

15. This Act shall come into force upon the day upon which it receives the Royal Assent.



3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting the City
of Ottawa

1st Reading	1922.
2nd Reading	1922.
3rd Reading	1922.

(*Private Bill.*)

MR. HULL.

TORONTO:
PRINTED BY A. T. WIGGESS,
Printer to the King's Most Excellent Majesty

BILL

An Act respecting the City of Ottawa.

WHEREAS the Corporation of the City of Ottawa has Preamble.
presented a petition, praying that it should be enacted
as hereinafter set forth; and whereas it is expedient to grant
the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The council of the said corporation may provide by by-laws for borrowing, and may borrow upon debentures of the corporation, payable within twenty years from their date of issue, sums of money not exceeding the following, to provide for the specified purposes:—

Power to borrow money for certain purposes upon 20 year debentures.

- (a) \$18,000.00, for the completion of the relief sewer from Pinard Street, thence across the Rideau River, to connect with the main sewer at or near Dufferin Road;



- (b) \$40,000.00 for the construction of a main sewer from a point on Faraday Street between Clarendon and Harmer Avenues, thence by the nearest practicable route to a junction with the existing main sewer at the corner of Tyndall and Hinton Avenues.



Power to
borrow
money for
certain pur-
poses upon
30 year
debentures.

2. The Council of the said corporation may provide by by-laws for borrowing, and may borrow upon debentures of the corporation, payable within thirty years from their date of issue, sums of money not exceeding the following, for the specified purposes:—

- (a) \$85,000.00, (in addition to all sums previously authorized) to pay for the completion of the bridge across the Rideau River at St. Patrick Street;
- (b) \$140,000.00 (in addition to all sums previously authorized) to provide for the Corporation's share of the cost of completing the new bridge across the Rideau River at the easterly end of Rideau Street;
- (c) \$150,000.00 to provide for the Corporation's share of the cost of constructing a new viaduct over the tracks of the Grand Trunk Railway and the Canadian Pacific Railway on Wellington Street;

Power to
borrow
money for
Waterworks
purposes
upon
30 year
debentures.

3. The Council of the said corporation may provide by by-laws for borrowing, and may borrow upon debentures of the corporation, payable within thirty years from their date of issue, for purposes connected with the waterworks of the corporation, sums of money not exceeding the following:—

- (a) \$170,000.00 to provide for the cost of laying an additional line of water pipes to form part of the water supply system of the corporation authorized by section 11 of Chapter 63 of 5 Geo V, and for making alterations in, and additions to the Water Works Pumping Plant;
- (b) \$100,000.00 to provide for the cost of constructing new water main extensions and services;
- (c) \$30,000.00 to provide for the cost of purchasing and installing water meters.

4.—(1) It shall not be necessary for the Corporation of the City of Ottawa to obtain the assent of the electors of the said city qualified to vote on money by-laws, to the passing of any of the debenture by-laws which shall be passed under the provisions of sections 1, 2, 3 and 4 of this Act, or to observe in respect thereto the formalities prescribed by *The Municipal Act* in relation to the passing of money by-laws.

Assent of electors to by-laws passed under Secs. 1, 2, 3 or 4 not required; nor need formalities of *Municipal Act* be observed. Rev. Stat. c. 192.

(2) All such debentures shall bear interest at such rate or rates as the Council of the said Corporation shall determine and the principal and interest thereof may be made payable in any manner authorized by *The Municipal Act* and amendments thereto.

Rate of interest; mode of payment. Rev. Stat. c. 192.

5.—(1) The Council of the said corporation, instead of borrowing the separate sums authorized to be borrowed by sections 1, 2, 3 and 4 of this Act, and issuing debentures therefor, may by a consolidating by-law provide for borrowing the aggregate of any two or more of such separate sums and for issuing one series of debentures therefor; provided that no such by-law shall consolidate debentures issued for any purpose of the Water Works of the Corporation with debentures issued for any other purpose.

Consolidating by-law; not to include waterworks.

(2) Every such consolidating by-law shall show by recitals or otherwise, in respect of what separate by-law it is passed.

Recitals to set out separate by-laws.

(3) It shall not be necessary that the consolidating by-law shall impose any rate to provide for the payment of the debentures issued under it, or the interest thereon but the rates imposed by the separate by-laws shall be levied, collected and applied for that purpose.

Consolidating by-law need not impose rates provided in separate by-laws.

6. No irregularity in the form of any of the debentures issued under the authority of this Act, or in any by-law authorizing the issue thereof, shall render the same invalid, or be allowed as a defence to any action against the Corporation of the City of Ottawa for the recovery of the amount thereof, or interest thereon, or any part thereof.

Irregularity not to invalidate or be allowed as defence.

7. For the payment of the debt and interest represented by the debentures to be issued under the authority of section 4 of this Act, there shall be annually raised by the corporation during the currency of the said debentures, with the authority conferred upon the corporation in and by the Act passed in the thirty-fifth year of the reign of Her late

Debt and interest to be met out of water rates.

Majesty, Queen Victoria, chaptered 80, and intituled *An Act for the Construction of Waterworks for the City of Ottawa*, from the water rates, a sum sufficient to discharge the said debt and interest when and as the same shall respectively become due, such sum to be in addition to the money required to be raised to meet the charges of maintenance and the cost of renewals in connection with the said waterworks, and for the payment of the principal and interest of all debts heretofore authorized to be contracted for the purposes of the said waterworks, but if at any time, the moneys accruing from the said water rates shall prove insufficient for the purposes aforesaid, then, when and so often as the said deficiency shall occur, there shall be raised, levied and collected by the said Corporation, by a special rate upon the assessable property of the said Corporation, according to the then last revised assessment roll thereof, a sum sufficient to make good such deficiency.

Power to grant fixed assessment to Curling Club.

8.—(1) The Council of the said Corporation may provide by by-law to be passed without obtaining the assent of the electors thereto, for granting a fixed assessment of \$17,500.00 for a period not exceeding twenty years, upon the lands and buildings situate at the south-west corner of O'Connor Street and Argyle Avenue, and known as the East 100 feet 2½ inches of Lots "C" and "D," Lots "E" and "F," and the north 30 feet of Lots "I," "J" and "K," as shown upon registered Plan Number 68608, upon the condition that the said lands and buildings shall continue to be used solely for the purposes of a Curling Club and a Bowling Club, or either.

Council may terminate fixed assessment if taxes are in arrear three months or upwards.

(2) The said by-law shall provide that, should any taxes, water rates, local improvement rates, or other rates assessed against the said lands and buildings, remain unpaid and in arrear at any time for three months or upwards, the said council may by by-law forthwith terminate the said fixed assessment.

School taxes not affected.

(3) The said by-law shall not apply to, or affect taxation for school purposes.

Fixed assessment may be terminated if annual rental exceeds \$100.00.

(4) Should the yearly rental of the said lands and buildings be increased at any time so as to exceed the sum of one hundred dollars, the said fixed assessment may be terminated by the said Corporation at the end of the then current year.

9. The Council of the said Corporation may pay annually out of its general funds, for a period of ten years commencing with the year 1922, the sum of \$7,000.00, to the Board of Trustees of the Ottawa Firemen's Benevolent Association. Such amount, if paid, shall be in substitution for the amount provided for in the agreement dated February 9th, 1917, set out as schedule "A" to chapter 79 of the Acts of the Legislature passed in the year 1917, and shall be subject to the conditions and provisos in the said agreement contained.

Payment cut
of general
funds to
Firemen's
Benevolent
Association.

10.—(1) The Council of the said Corporation may acquire by purchase, or may expropriate, with the authority conferred by *The Municipal Act*, and in the manner prescribed by such Act, and may enter upon and take any parcel or parcels of land that it may require for use for the dumping of refuse and for the disposal of ashes and garbage and other refuse in connection with the garbage collecting system of the corporation, and when no longer required for such purposes, may sell or otherwise dispose of the whole or any part of such lands.

Authority to
purchase or
expropriate
land for
disposal of
garbage; and
to sell when
no longer
required.
Rev. Stat.
c. 192.



(2) The Council of the said Corporation may provide by by-law for borrowing on debentures of the Corporation, to be issued without obtaining the assent of the electors qualified to vote on money by-laws, a sum or sums of money not exceeding \$50,000.00 for the purpose mentioned in the preceding subsection and may make such debentures payable over any period of time not exceeding twenty (20) years from their date of issue.

Authority
to borrow
\$50,000.00
for purpose
mentioned in
subsection
1.



11.—(1) The Council of the said Corporation may provide by by-laws to be passed under the provisions of, and with the authority conferred by, *The Local Improvement Act*, for undertaking and completing and for assessing and levying the cost of all or any of the following works, notwithstanding that the debentures heretofore issued to provide for the cost of the existing local improvement works of like character, which the proposed works will replace, either in whole or in part, have not as yet been retired;

Power to
undertake
works as
local improve-
ments before
retirement of
debentures
which pro-
posed works
will replace.
Rev. Stat.
c. 193.

- (a) The construction of a new asphalt, or asphalt and wood block pavement on Wellington Street between Garland Street and Parkdale Avenue;

- (b) The construction of a new asphalt, or asphalt and wood block pavement on Nicholas Street, between Rideau Street and Laurier Avenue.

In such case, council shall pay out of general fund, balance remaining on existing work under certain by-laws.

(2) Should the council avail itself of the authority conferred by subsection (1) of this section, it shall raise and pay annually out of its general funds, all such sums as shall remain to be raised in and after the year in which the first annual instalments of principal and interest of the debon-

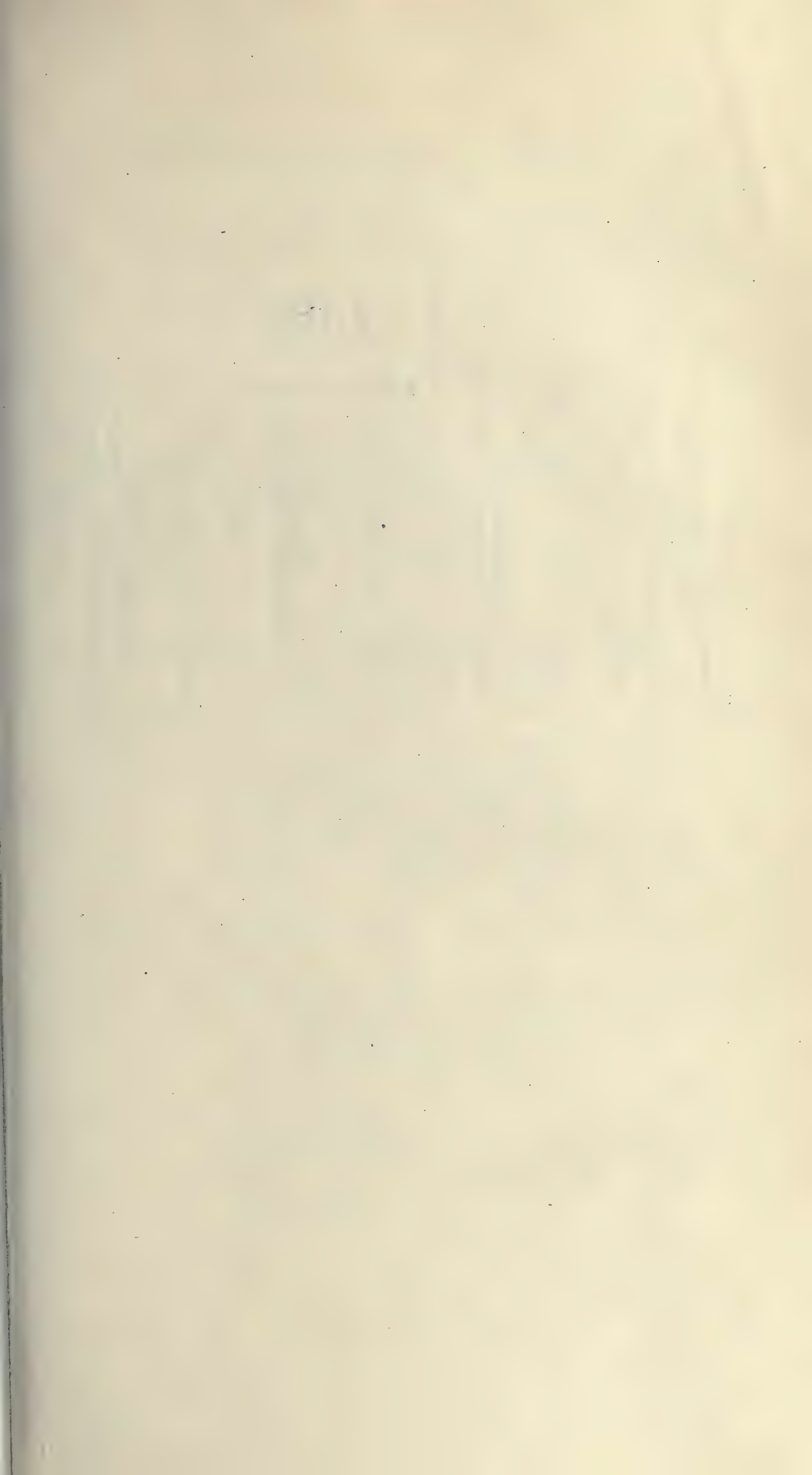
tures issued to provide for the cost of constructing such replacing work or works shall become payable, to defray the ratepayers' share of the cost of the local improvement work heretofore existing on such street as provided by local improvement by-laws numbers 2688, 3480 and 3686.

Short title.

12. This Act may be cited as *The City of Ottawa Act, 1922*.

Commencement of Act.

13. This Act shall come into force upon the day upon which it receives the Royal Assent.



No. 10.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting the City
of Ottawa

1st Reading,	7th March,	1922.
2nd Reading,		1922.
3rd Reading,		1922.

(*Reprinted as amended by Private
Bills Committee.*)

Mr. HULL.

TORONTO:
PRINTED BY A. T. WILGESS.
Printer to the King's Most Excellent Majesty

BILL

An Act respecting the City of Toronto.

WHEREAS the Corporation of the City of Toronto has Preamble.
by petition prayed for special legislation in respect of
the several matters hereinafter set forth; and whereas it is
expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Corporation of the City of Toronto may by by-law Power to create insurance fund.
create a fund to be known as “The City of Toronto Insurance Fund” to protect the Corporation against loss by fire, lightning, tempest or explosion on any if its buildings or other insurable property, and for this purpose:

- (a) May levy and collect annually at the same Special rate may be levied.
time or times and in the same manner as
the general tax rates are collected, a rate
upon the assessed value of all the rateable
property in the municipality, and the provisions of *The Assessment Act* as to the Rev. Stat. c. 195.
collection of taxes shall apply thereto;
- (b) May determine and vary from year to year Amount of rate.
the amount of such rate as circumstances
may require;
- (c) May designate any or all of the buildings or Buildings to be protected and value of same.
other insurable property of the municipality to which the proposed Fund shall apply
and from time to time fix the fair marketable value thereof for the purpose of this Act;
- (d) May fix a percentage of the value of all Percentage of value may be insured.
municipal property to be insured and the
amount by which such percentage may be
reduced from time to time as the said
Fund increases;

2.

Rate may be levied until fund equals value of buildings.

(e) May continue to levy and collect as aforesaid the said annual rate until a Fund equal to a sum not to exceed the value of such buildings and other insurable property as fixed by by-law under clause (c) hereof has been collected;

Rate to maintain fund.

(f) May from time to time levy and collect such annual rate to maintain the Fund at such sum as the Council may determine but not to exceed the sum fixed under the provisions of clause (c) hereof.

Use and investment of fund.

2. The said Corporation shall use the said Fund only for the purpose of rebuilding, repairing or replacing any of the buildings or other insurable property of the Corporation that may be destroyed by fire, lightning, tempest or explosion, but may invest the same from time to time, and the provisions of sections 302, 303 and 305 of *The Municipal Act* shall apply thereto.

Rev. Stat. c. 192.

Right to insure with Insurance Companies not affected.

3. Nothing herein contained shall effect or prejudice the right of the Corporation to insure in any incorporated insurance company any of the buildings or other insurable property of the Corporation not designated by by-law under the provisions of clause (c) of section 1 hereof.

Power to borrow \$1,012,529.30 for paving without consent of electors.

4. The said Corporation may without submitting the same to the vote of the electors entitled to vote on money by-laws, pass a by-law, or by-laws, to raise the sum of \$1,012,579.30 to provide for the cost of construction, repair or renewal of certain pavements in connection with the construction, repair and renewal of the street railway tracks of the Toronto Transportation Commission.

By-law No. 8968 confirmed.

5. By-law No. 8968 of the said Corporation, passed January 23rd, 1922, (a copy whereof is set forth in Schedule "A" hereto), authorizing a certain agreement between the Hydro Electric Power Commission of Ontario and the said Corporation for acquiring the property and assets of The Toronto Suburban Railway Company under *The Hydro-Electric Railway Act, 1914*, and amendments thereto, is hereby ratified, confirmed and validated, and the said Commission and the said Corporation are authorized to carry out the provisions thereof.

3.

SCHEDULE "A."

(Section 5.)

By-law No. 8968.

A By-law to authorize a certain agreement made between the Hydro-Electric Power Commission of Ontario and the Corporation of the City of Toronto for acquiring the property and assets of the Toronto Suburban Railway Company under *The Hydro-Electric Railway Act, 1914*, and amendments thereto.

Passed January 23rd, 1922.

Whereas it is expedient that the Corporation of the City of Toronto should enter into an agreement under *The Hydro-Electric Railway Act, 1914*, and amendments thereto, with the Hydro-Electric Power Commission of Ontario, hereinafter called "the Commission", for the acquiring, extending, equipping, improving and operating the property and assets of The Toronto Suburban Railway Company, upon the terms and conditions, and subject to the provisions set forth and contained in the agreement set forth in this by-law;

And whereas the estimated cost of acquiring, extending, equipping, improving and operating the said railway is the sum of \$2,778,000 as provided by the said agreement, the whole of which is to be borne by the said Corporation;

And whereas the total annual amount estimated to be required for the maintenance of the railway apart from operating expenses, is the sum of \$102,150;

And whereas the total annual amount estimated to be required from the date of purchase to 1961 for interest on bonds is \$127,260, and thereafter for the balance of the 50-year period from date of purchase is \$166,680;

And whereas the total annual amount estimated to be required for sinking fund charges for retirement of bonds for the 40-year period commencing 10 years from the date of purchase is \$27,780;

And whereas the amount of the whole rateable property of the Corporation, according to the last Revised Assessment Roll, is \$696,535,003, including \$3,215,104, liable for taxation for school purposes only and which is exempt from general taxation;

And whereas the debenture debt of the said Corporation is \$131,102,918, of which the sum of \$77,219,949 is not to be counted as part of the debenture debt in estimating the borrowing powers of the said Corporation as authorized and controlled by the Act passed in the fifty-second year of the reign of Her Late Majesty Queen Victoria, of which no part of the principal or interest is in arrear;

Therefore, the Council of the Corporation of the City of Toronto enacts as follows:—

I

It shall be lawful for the Corporation of the City of Toronto and the said Corporation is hereby authorized to enter into the following Agreement with the Hydro-Electric Power Commission of Ontario, the said Agreement being hereby incorporated into and forming a part of this By-law, and the Mayor, Treasurer and Clerk of the Corporation are hereby authorized and directed to execute the said Agreement upon behalf of the Corporation and to attach the seal of the Corporation thereto.

4.

II

Agreement hereinbefore referred to:

This Indenture made the _____ day of _____ in the year of our Lord, one thousand nine hundred and _____

Between:

The Hydro-Electric Power Commission of Ontario, hereinafter called the "Commission",

Of the First Part:

and

The Corporation of the City of Toronto, hereinafter called the "Corporation",

Of the Second Part:

Whereas the Commission has at the request of the Corporation acquired for and on behalf of the Corporation the properties and assets of the Toronto Suburban Railway Company and hereinafter called the "Railway" to be controlled, equipped, improved and operated under the terms of *The Hydro-Electric Railway Act, 1914*;

And whereas the Corporation has requested the Commission to acquire, extend, control, equip, improve and operate and the Commission has agreed with the Corporation on behalf of the Corporation to acquire, extend, control, equip, improve and operate the railway upon the terms and conditions and in the manner herein set forth; but upon the express condition that the Commission shall not in any way be liable for any financial or other obligation or loss whatsoever by virtue of this agreement or arising out of the performance of the terms thereof;

And whereas the electors of the Corporation have voted in favor of authorizing the Corporation to enter into the necessary agreements with the Commission for acquiring the railway;

And whereas the Corporation has issued debentures for the amounts set forth in clause 2(b) hereof, and has deposited the said debentures with the Commission;

Now, therefore, this indenture witnesseth:

1. In consideration of the premises and of the agreement of the Corporation herein contained, and subject to the provisions of the said Acts and amendments thereto, the Commission agrees with the Corporation:

(a) To acquire, extend, equip, improve and operate the railway on behalf of the Corporation, subject to paragraph (c) of clause 1 and to clauses 11 and 12 hereof, and it is hereby declared it shall be lawful and the Commission is hereby authorized, as part of and incidental to the operation of the said railway, to acquire necessary equipment and operate other means of transportation of passengers or freight;

(b) To issue bonds, as provided in clause 3 hereof, to cover the cost of acquiring the railway;

(c) To furnish as far as possible first-class modern and standard equipment for use on the railway, to operate this equipment so as to give the best service and accommodation possible, having regard to the district served, the type of construction and equipment adopted and all other equitable conditions, and to exercise all due skill and diligence so as to secure the most effective operation and service of the railway consistent with good management;

(d) To regulate and fix the fares and rates of toll to be collected by the railway for all classes of service;

(e) To utilize the routes and property of the railway for all purposes from which it is possible to obtain a profit;

5.

(f) To combine the property and works of the railway and the power lines of the Commission where combination is feasible and may prove economical to both the railway and users of the power lines;

(g) To permit and obtain interchange of traffic with other railways wherever possible and profitable; provided always, and it is hereby agreed, that the Commission will not operate any of the trams, cars or other rolling stock of said railway on any highway within the limits of the City of Toronto without first obtaining the consent of the Corporation;

(h) To supply electrical power or energy for operation of the railway at rates consistent with those charged to municipal corporations;

(i) To apportion annually the capital costs and operating expenses of all works, apparatus and plant used by the railways in common with the Commission's transmission lines in a fair manner, having regard to the services furnished by the expenditure under consideration;

(j) To apply the revenue derived from operation of the railway and any other revenue derived from the undertaking to the payment of operating or working expenses, including the supply of electrical power or energy, and the cost of administration and annual charges for interest and sinking fund on the money invested, and such other deductions as are herein provided for;

(k) To set aside from any revenue thereafter remaining an annual sum for the renewal of any works belonging in whole or in part to the undertaking;

(l) To take active steps for the purpose of taking over, extending, equipping and operating the railway at the earliest possible date after the execution of this agreement by the Corporation and the deposit of the debentures as called for under clause 2 (b) hereof;

(m) To pay over annually to the Corporation, if deemed advisable by the Commission in the interests of the undertaking, any surplus that may remain after providing for the items above mentioned;

(n) To make such extensions to the railway as may appear advantageous and profitable from time to time;

(o) To transfer to the Corporation those portions of the said railway within the limits of the Corporation upon the Corporation issuing and depositing with the Commission debentures to the amount of \$202,800 as provided by paragraph (f) of clause 2 hereof;

2. In consideration of the premises and of the agreements herein set forth the Corporation agrees with the Commission:

(a) To bear as hereinafter provided the cost of acquiring, extending, equipping, operating, maintaining, repairing, renewing, improving and insuring the railway and its property and works as established by the Commission;

(b) To issue debentures to the amount of \$2,778,000 maturing in 50 years from January 1st, 1922, and bearing interest at the rate of 6 per centum per annum payable half-yearly at the office of the City Treasurer in the City of Toronto, Ontario, which shall be deposited with the Commission previous to the issuing of the bonds hereinafter mentioned;

(c) To make no agreement or arrangement with, and to grant no bonus, license or other inducement to any other railway or transportation company without the written consent of the Commission;

6.

(d) To keep, observe and perform the covenants, provisos and conditions set forth in this agreement intended to be kept and observed and performed by the Corporation, and to execute such further or other documents, and to pass such by-laws as may be requested by the Commission for the purpose of fully effectuating the objects and intent of this agreement;

(e) To furnish a free right of way for the railway and for the power lines of the Commission over any property of the Corporation upon being requested by the Commission, and to execute such conveyance thereof or agreement with regard thereto as may be desired by the Commission;

(f) To issue debentures to the amount of \$202,800 maturing in 50 years from January 1st, 1922, and bearing interest at the rate of 6 per-centum per annum payable half-yearly at the office of the City Treasurer in the City of Toronto, Ontario, which shall be deposited with the Commission in payment for the transfer of those portions of the said railway within the limits of the Corporation as provided in paragraph (o) of clause 1 hereof;

3. It shall be lawful and the Commission is hereby authorized to create or cause to be created an issue of bonds to be charged upon and secured by the railway and its undertaking, and all the assets, rights, privileges, revenue, works, property and effects belonging thereto and to be for the amount of \$2,778,000, provided that the Commission may, upon obtaining the consent as herein defined of the Corporation, increase the said bond issue by any amount necessary to cover the capital cost of extensions, improvements and additional works or equipment of any kind for use of the railway, and provided that with the approval of the Lieutenant-Governor in Council the Commission may dispose of any property not required for the purpose of the railway and use or dispose of the whole or part of the proceeds thereof in expenditure on capital account or invest the whole or part thereof in securities of the Province of Ontario for the retirement of the said bonds at maturity.

4. In order to meet and pay such bonds and interest as the same become due and payable the Commission shall in each year after the expiration of ten years from the date of the issue of the bonds out of the revenue of the railway after payment of operating or working expenses including the supply of electrical power or energy and the cost of administration and annual charge for interest, set aside annually such sums as may be necessary to provide a sinking fund on the basis of not more than forty years for the payment of all the said bonds which shall be held for and applied toward the payment of such bonds or any renewal thereof at maturity, and the Commission shall have power from time to time to issue bonds for the purpose of providing for such additional money as may be necessary with the accumulated sinking fund on hand to repay the bonds so issued when the same respectively mature, provided that the sum so set aside for sinking fund shall be sufficient to provide for payment of all the bonds issued on account of the said railway within fifty years from the said 1st day of January, A. D. 1922.

5. The Corporation is authorized to issue debentures to the amount of \$2,778,000, payable in 50 years from January 1 st, 1922, and bearing interest at the rate of 6 per centum per annum,, payable half-yearly.

Upon the execution of the said agreement the Corporation shall issue and deposit the said debentures with the Commission; and is further authorized to and shall from time to time thereafter upon the requisition in writing of the Commission issue and deposit with the Commission further similar debentures for the same amount of any increase as provided in section 3 of the bond issue of the Commission to cover the capital cost of extensions or improvements of the railway.

In the event of the revenue derived from the operation of the railway being insufficient in any year to meet the operating or working expense, including electric power or energy and the cost of administration and the annual charges for interest and sinking funds on the bonds and for the renewal of any works belonging in whole or in part to the railway, such deficits shall be paid upon demand of the Commission by the Corporation. Any arrears of the Corporation shall bear interest at the rate of six per cent. per annum. If the Corporation shall make default in payment of such deficits the Commission shall thereupon sell or otherwise dispose of so much of the debentures of the Corporation as shall be necessary to supply such deficiency at such rates of discount or premium and such terms and conditions as the Commission in its sole discretion shall deem to be in the interests of the railway, the proceeds of such debentures being used solely for the purposes herein contained.

If the remaining debentures are insufficient in the opinion of the Commission to meet all payments required to be made by the Corporation under the said Act or the said Agreement, the Corporation is hereby authorized to and shall issue and deposit forthwith with the Commission similar debentures to an amount sufficient in the opinion of the Commission to make up the deficiency.

All debentures from time to time issued and deposited with the Commission under this clause shall be held by the Commission as collateral security for the bonds issued by the Commission under clause 3 and for any payment required to be made by the Corporation under this agreement or the said Act, or the Commission may lodge the said debentures or any of them with and/or hypothecate the same to a Trust Company as trustee for the holders of bonds of the Commission, and for such purpose the Commission may enter into, execute and deliver any agreement, charge, trust indenture, or other document containing such powers, terms and conditions as the Commission in its sole discretion shall deem to be in the best interests of the railway anything contained herein or in any statute or agreement to the contrary notwithstanding.

6. In case the Commission shall at any time or times be prevented from operating the railway, or any part thereof, by strike, lockout, riot, fire, invasion, explosion, act of God, or the King's enemies, or any other cause reasonably beyond its control, then the Commission shall not be bound to operate the railway or such part thereof, during such time; but the Corporation shall not be relieved from any liability or payment under this agreement, and as soon as the cause of interruption is removed the Commission shall, without any delay, continue full operation of the railway, and the Corporation shall be prompt and diligent in doing everything in its power to remove and overcome any such cause or causes of interruption.

7. It shall be lawful for, and the Corporation hereby authorizes the Commission to unite the business of the railway with that of any other railway system operated in whole or in part by the Commission, and to exchange equipment and operators from one system to the other, proper provisions being made so that each system shall pay its proportionate share of the cost of any equipment used in common.

8. If at any time any other municipal corporation applies to the Commission for an extension of the railway into its municipality, the Commission shall notify the applicant and the Corporation in writing of a time and place to hear all representations that may be made as to the terms and conditions relating to such proposed extension. If, on the recommendation of the Commission, such extensions shall be authorized, without discrimination to the applicant, as to the cost incurred or to be incurred for or by reason of any extension, the Commission may extend the railway upon such terms and conditions as may appear equitable to the Commission.

8.

No such application for an extension of the railway into any municipality shall be granted if it is estimated by the Commission that the cost of service of the railway to the Corporation will thereby be increased or the revenue and accommodation be injuriously affected without the consent of the Corporation.

9. The consent of the Corporation required under this Agreement shall mean the consent of the Council of such Corporation, such consent being in the form of a municipal by-law duly passed by the Council of the Corporation.

10. The railway and all the works, property and effects held and used in connection therewith, constructed, acquired, operated and maintained by the Commission under this Agreement and the said Act shall be vested in the Commission on behalf of the Corporation, subject to the terms of this Agreement, but the Commission shall be entitled to a lien upon the same for all money expended by the Commission under this Agreement and not repaid;

11. If at any time one or more of the municipalities through which the railway now passes or serves or in which a part of the railway is situate applies to the Commission for admission as a party to this Agreement for the acquisition and operation of the railway for the extension thereof in or through the territory of such municipality upon such terms and conditions and subject to such contributions as if it had been a party to this Agreement at the date thereof for the acquisition and operation of the said railway, the Commission shall take such steps and permit such votes to be taken as are necessary under the provisions of the said Act to authorize such municipality or municipalities to enter into an agreement under the Act to acquire such an interest.

The Corporation shall thereafter upon the request of the Commission enter into a new agreement with the Commission and the applying municipality or municipalities in the form so far as applicable, of this agreement and containing paragraph 1(m) and (o); paragraph 2(o) and paragraphs 5, 10, 12 and 13 of the standard form of agreement set out in *The Hydro-Electric Railway Act, 1914* and such other provisions as may be approved by the Lieutenant-Governor in Council, and this agreement shall be deemed to be modified accordingly, and shall remain in full force and effect, subject to such modifications.

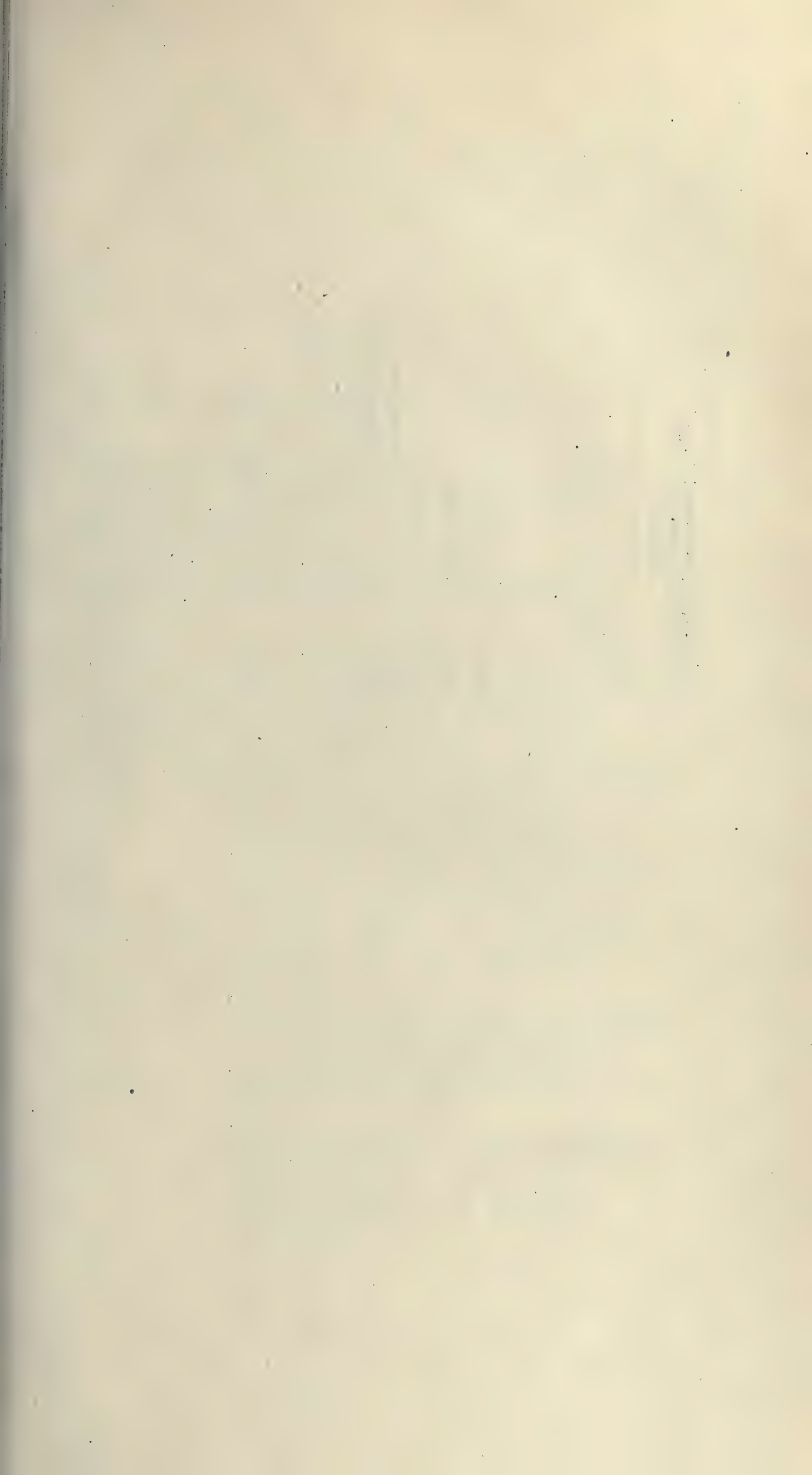
12. This Agreement shall continue and extend for a period of fifty years from the date thereof, and at the expiration thereof be subject to renewal, with the consent of the Corporation from time to time for like periods of fifty years. At the expiration of this Agreement the Commission shall determine and adjust the rights of the Corporation, having regard to the amounts paid or assumed by the Corporation under the terms of this agreement, and such other consideration as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

In witness whereof the Commission and the Corporation have respectively affixed their Corporate Seals under the hands of their proper officers.

C. ALFRED MAGUIRE,
Mayor.

W. A. LITTLEJOHN,
City Clerk.

Council Chambers,
Toronto, January 23rd, 1922.
(L. S.)



No. 11.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting the City of Toronto.

1st Reading,	1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Private Bill.*)

MR. THOMPSON.

TORONTO:
PRINTED BY CLARSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the City of Toronto.

WHEREAS the Corporation of the City of Toronto has Preamble.
by petition prayed for special legislation in respect of
the several matters hereinafter set forth; and whereas it is
expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Corporation of the City of Toronto may by by-law Power to create insurance fund.
create a fund to be known as "The City of Toronto Insurance Fund" to protect the Corporation against loss by fire, lightning, tempest or explosion on any of its buildings or other insurable property, and for this purpose:

- (a) May levy and collect annually at the same Special rate may be levied.
time or times and in the same manner as
the general tax rates are collected, a rate
upon the assessed value of all the rateable
property in the municipality, and the provisions of *The Assessment Act* as to the Rev. Stat. c. 195.
collection of taxes shall apply thereto;
- (b) May determine and vary from year to year Amount of rate.
the amount of such rate as circumstances
may require;
- (c) May designate any or all of the buildings or Buildings to be protected and value of same.
other insurable property of the municipality to which the proposed Fund shall apply
and from time to time fix the fair marketable value thereof for the purpose of this
Act;
- (d) May fix a percentage of the value of all Percentage of value may be insured.
municipal property to be insured and the
amount by which such percentage may be
reduced from time to time as the said
Fund increases;

2.

Rate may be
levied until
fund equals
value of
buildings.

(e) May continue to levy and collect as aforesaid the said annual rate until a Fund equal to a sum not to exceed the value of such buildings and other insurable property as fixed by by-law under clause (c) hereof has been collected;

Rate to maintain fund.

(f) May from time to time levy and collect such annual rate to maintain the Fund at such sum as the Council may determine but not to exceed the sum fixed under the provisions of clause (c) hereof.

Use and
investment
of fund.

2. The said Corporation shall use the said Fund only for the purpose of rebuilding, repairing or replacing any of the buildings or other insurable property of the Corporation that may be destroyed by fire, lightning, tempest or explosion, but may invest the same from time to time, and the provisions of sections 302, 303 and 305 of *The Municipal Act* shall apply thereto.

Rev. Stat.
c. 192.

Right to
insure with
Insurance
Companies
not affected.

3. Nothing herein contained shall effect or prejudice the right of the Corporation to insure in any incorporated insurance company any of the buildings or other insurable property of the Corporation not designated by by-law under the provisions of clause (c) of section 1 hereof.

No. 11.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting the City of Toronto.

1st Reading,	7th March, 1922.
2nd Reading,	1922.
3rd Reading,	1922.

*(Re-printed as amended by the Private
Bills Committee.)*

MR. THOMPSON.

TORONTO:
PRINTED BY CLARRISON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the City Gas Company of London.

WHEREAS the City Gas Company of London has by Preamble.
petition represented that necessity has arisen for the making of permanent improvements and extensions and additions to the company's plant, and that by reason of the increase in the cost of the manufacturing and production of gas, the Company cannot continue to produce and sell gas at the price or rate of ninety cents per thousand cubic feet, and in order to enable it to continue its operations and supply gas to its consumers, has by its petition prayed that it should be authorized to increase its capital stock and borrowings for such purpose, and to increase the price or rate at which it may be permitted to sell gas to its consumers; and whereas, subject to the provisions hereinafter contained, it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The present paid-up capital stock of the company is hereby declared to be \$400,000, consisting of \$256,000 heretofore paid and \$144,000 to be transferred from the company's profit and loss account. Amount of present paid-up capital stock.

2. It shall be lawful for the company to add to its present capital stock such an amount as shall increase the same to a sum not exceeding \$1,000,000, divided into shares of \$20 each, provided that such increase of capital stock shall be first agreed upon by a majority of the votes of the shareholders present at any annual general meeting or meetings, or at any special meeting or meetings called from time to time for that purpose, such addition to the capital stock Authority to increase capital stock to \$1,000,000. for purpose of improving plant on certain terms.

shall be for the sole purpose of making permanent improvements and necessary extensions and additions to the company's plant and all moneys derived from the sale of such additional stock shall be and form part of the assets of the company; Provided that the City of London shall have the right to subscribe for and have allotted to it \$5,000 in value of such additional stock upon payment therefor at par and upon such stock being so allotted, and paid for, the Mayor of the City of London shall be elected a director of the company and shall *ex officio* be and continue to be a director of the company, so long as the said stock is held and owned by the City of London.

Power to
limit number
of shares
offered for
sale at any
one time.

3. It shall not be obligatory upon the company to sell, at one time, the whole amount of stock authorized by this Act, but the company may, from time to time, limit the number of shares to be offered for sale to such an amount as may be from time to time agreed and decided upon by a majority of the votes of shareholders present at any general or special meetings of the shareholders as aforesaid called for that purpose.

Notice of
meetings.

4. The notice of any special meeting or meetings of the stockholders of the company called by the directors of the company in pursuance of this Act, may be given by inserting a notice specifying the time, place and object of such meeting in at least two daily newspapers published in the City of London in each issue thereof during the three weeks next preceding the day fixed for such meeting.

Sale of
shares;
application
of surplus.

5. All shares to be issued under the provisions of this Act, except to the extent of \$5,000, for which the City of London shall have the right to subscribe at par, shall be sold by public auction after three weeks' notice in two of the daily newspapers published in the City of London, such shares to be put up in lots of twenty-five shares each, and all surplus realized over the par value of the shares so sold shall be added to the rest or reserve fund of the company, until the same shall be equal to one-half of the paid-up capital stock of the company, the true intent and meaning being that the company may at all times have and maintain a rest or reserve fund, equal to, but not exceeding, one-half of the then paid-up capital of the company, and which rest or reserve fund may be invested in Dominion or Provincial stock, municipal debentures, school debentures, drainage debentures, debentures of loan companies and mortgages on real estate.

3.

6. The shares of such increased stock shall be paid in, together with the premiums (if any) thereon, by such instalments and at such times and places and under such regulations as the directors may from time to time appoint. Mode of payment for shares.

7. There shall be created and maintained by the company out of the earnings of the company, another fund, to be called "the plant and buildings renewal fund," to which fund shall be placed each year the sum of five per cent. on the value at which the plant and buildings in use by the company, stand in the books of the company at the end of the then fiscal year of the company, and all usual and ordinary renewals and repairs shall be charged against this fund. "Plant and buildings renewal fund."

8. Any surplus of net profit, from any source whatever, including premiums on sales of stock, after the rest or reserve fund shall have been established and maintained as aforesaid, remaining at the close of any fiscal year of the company after payment of fees to the president, vice-president, and directors of the company (not exceeding in all the sum of \$2,500 per annum) after payment of dividend at the rate of ten per cent. per annum on the paid-up capital stock of the company and the establishment and maintenance of the said rest or reserve fund, and providing for plant and buildings renewal fund, shall be carried to a special account, to be known as "the special surplus account," and whenever the amount of such surplus is equal to five cents per thousand cubic feet, on the quantity of gas sold during the preceding year, the price of gas shall be reduced for the then current year, at least five cents per thousand cubic feet to all consumers. Application of profits—"the special surplus account."

9. If in any year the net profits of the company, from all sources, are not sufficient to meet the requirements of the company for the payment of fees to the president, vice-president and directors (limited as aforesaid) the payment of dividends at said rate of ten per cent. per annum, as aforesaid, and to provide for the plant and buildings renewal fund, it shall and may be lawful for the directors of the company in their discretion, to draw upon the said rest or reserve fund to the extent of any such deficiency, and to restore any amount so drawn from time to time from said rest or reserve fund, out of the earnings of the company, but the said rest or reserve fund shall not be otherwise drawn upon. When reserve fund may be drawn on.

Power to charge rate of \$1.55 less 30c. for payment within 20 days.

10. It shall be lawful for the company, notwithstanding anything contained in section 7 of an Act passed in the sixth year of the reign of His late Majesty, King Edward the Seventh, chaptered 129 and subject to the provisions of section 8 hereof, to charge for gas supplied to consumers, within the limits of the City of London, now existing or hereafter extended, at \$1.25 net per thousand cubic feet of gas, whether used for illuminating purposes or otherwise, that is to say, the company may charge \$1.55 for every thousand cubic feet of gas subject, however, to a discount of thirty cents per thousand cubic feet, to which the customer shall be entitled if the amount due by such customer be paid within twenty days after the same becomes due.

Annual audit — Mayor may appoint auditors to be present.

11. The company shall give not less than two weeks' written notice by registered letter, to the Mayor of the City of London, for the time being, of the time of commencing the annual audit of the books and accounts of the company and it shall and may be lawful for an auditor or auditors to be appointed by the Mayor of the Corporation of the City of London, should he deem it advisable to make such appointment, to be present at such annual audit, and for the purpose of verifying the company's annual statement, to have access to the company's office, to all books, accounts and papers necessary for such purpose, and to call in an expert in the administration and management of gas companies to assist and advise the said auditor or auditors.

Power to hold real estate.

12. Notwithstanding anything contained in former Acts affecting the company, it shall be lawful for the company to acquire and hold real estate, of which the total yearly value shall not exceed \$10,000 over and above the yearly value of any buildings and works now, or which may be hereafter erected thereon.

Act to be without prejudice to rights under franchise.

13. The passing of this Act shall be without prejudice to the rights or alleged rights of the City of London and the City Gas Company, under and by virtue of any franchise held, or alleged to be held, by the company to operate in the City of London.

1917, c. 129, s.7, repealed.

14. Section 7 of an Act passed in the sixth year of the reign of His late Majesty King Edward the Seventh, chaptered 129, entitled *An Act respecting the City Gas Company of London*, is hereby repealed.

Commencement of Act.

15. This Act shall come into force and take effect on the day upon which it receives the Royal Assent.

No. 12

3rd. Session, 15th. Legislature,
12 George V, 1922.

BILL.

An Act Respecting The City Gas
Company of London.

1st Reading,	1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Private Bill*)

MR. MCCREA.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act Respecting the City Gas Company of London.



Preamble.

WHEREAS the City Gas Company of London has by petition represented that by reason of the increase in the cost of the manufacturing and production of gas, the company cannot continue to produce and sell gas at the price or rate of ninety cents per thousand cubic feet, and in order to enable it to continue its operations and supply gas to its consumers it has by its petition prayed that it should be authorized to increase the price or rate at which it may be permitted to sell gas to its consumers; and whereas, subject to the provisions hereinafter contained, it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 7 of the Act passed in the sixth year of the reign of his late Majesty King Edward the Seventh, Chaptered 129, is repealed. 6 Ed. VII.
c. 129,
s. 7,
repealed.

2. Subject to the provisions of section 3 the company from and after the third day of May, 1922, may charge for gas supplied to consumers, within the limits of the City of London, at \$1.25 net per thousand cubic feet of gas, whether used for illuminating purposes or otherwise. and if the amount due by any customer is not paid within twenty days after the same becomes due, the company may add ten per centum thereto and collect the same by way of penalty for non-payment within the twenty days. Rate fixed
at \$1.25
with 10 per
centum added
if not paid
within 20
days.

3.—(1) The Ontario Railway and Municipal Board on the application of the corporation of the City of London, or of the company may from time to time increase or decrease the price of gas as fixed by section 2, and the Board in any such order may fix the time for which it is to continue in force. Municipal
Board may
increase or
decrease
rate.

Appointment
of auditors
to investigate
business of
Company.

(2) The Board may appoint an auditor or auditors to examine and audit all the books of account, papers and documents relating to the business of the company or any other company subsidiary to or controlled by the company, and to value all the property and assets thereof as a going concern to determine its liabilities and the exact cost to the company of the manufacture, production and supplying of gas and it shall be the duty of the company and of its officers and servants to afford access to such auditor or auditors to such books of account, papers and documents at all reasonable times and to furnish to such auditor or auditors all information in their possession or powers relating to the affairs of the company, and to permit the making of such valuation and determination.

Act not to
affect or
extend terms
of existing
agreements.

4. It is hereby enacted and declared that this Act is not intended to extend, and shall not extend, the terms during which, by the agreement between the City Gas Company and the Corporation of the City of London, and the agreement between the London Gas Light Company and the Corporation of the City of London or either of them, the said companies or either of them were authorized to exercise their corporate rights of supplying gas within the City of London beyond the periods for which the said companies would have been entitled to exercise such rights had this Act not been passed.

Commence-
ments of Act.

5. This Act shall come into force and take effect on the day upon which it receives the Royal Assent.

No. 12

3rd Session, 15th Legislature,
12 George V, 1922.

BILL

An Act respecting the City Gas Company
of London.

1st Reading,	23rd Feby., 1922.
2nd Reading,	1922.
3rd Reading,	1922.

*(Reprinted as amended by the Private
Bills Committee.)*

MR. MCCREA.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Town of Preston.

WHEREAS the Municipal Corporation of the Town of Preston, has, by petition, represented that section 3 of By-law No. 482, of the said corporation was ratified and confirmed by an Act passed in the fifth year of the reign of His Majesty, King George V, chaptered 67; and whereas the said By-law provided that where sewers were constructed as local improvements, the abutting properties should pay a capital charge of eighty-five cents per foot frontage in thirty equal annual instalments, of five and one-half ($5\frac{1}{2}$) cents per foot frontage, during a period of thirty years; and whereas the general rate of interest it is impossible to repay the said capital charge of eighty-five cents per foot frontage, and interest, by an annual rate of five and one-half ($5\frac{1}{2}$) cents per foot frontage, during a period of thirty years; and whereas since the said By-law was ratified and confirmed by the said Act, an annual rate of five and one-half cents per foot frontage during the period of thirty years has been assessed against abutting properties to pay for sewers constructed in the said Town as local improvements; and whereas it is desirable in respect of sewers hereafter to be constructed in the said Town as local improvements that the abutting properties should be assessed and pay an annual rate of five and one-half ($5\frac{1}{2}$) cents per foot frontage during a period of thirty years; and whereas it is accordingly necessary to repeal the said section 3 of said by-law No. 482, and so much of the said statute as refers to said By-law, and to give authority to the said Town to pay for sewers hereafter to be constructed on the said basis, and, if the said annual rate of five and one-half cents per foot frontage during a period of thirty years should produce more than the actual cost of any sewer to use the surplus for general sewerage purposes; and whereas the said Corporation has asked for authority to issue debentures to the amount of thirty-eight thousand, seven hundred and fourteen dollars and seventy cents (\$38,714.70) to cover

2.

the cost of certain work and improvements of an urgent and necessary character; and whereas the said Corporation has by said petition, prayed that an Act be passed ratifying and confirming By-law No. 811 of the Council of the Corporation of the Town of Preston, passed on the 12th day of December, 1921; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of By-law No. 482, of the Town of Preston, passed in the year 1910, and all the provisions of an Act passed in the fifth year of the reign of His Majesty King George V, chaptered 67, relating thereto, are hereby repealed.

Authority to pay for sewers constructed as a local improvement by annual rate of 5½c. for 80 years, the remainder of the cost to be borne by the corporation.

Form of by-law.

2. Notwithstanding anything contained in *The Local Improvement Act*, or any other Act, it shall be lawful for the Corporation of the Town of Preston, when constructing any sewer as a local improvement work and borrowing money therefor by the issue of Debentures, to charge lands abutting directly on said sewer or benefited thereby an annual rate of five and one-half cents per foot frontage, for a period of thirty years to pay, and in full satisfaction of the owners' share of the cost of such sewer and the interest thereon. The remainder of the cost of such sewer shall be borne by the Corporation of the Town of Preston at large, and the said Corporation shall in each year during said period of thirty years impose, levy and raise such sum as may be necessary to meet the Corporation's share of the said cost and interest thereon by a rate sufficient therefor, on all the rateable property in the said Corporation, and it shall not be necessary for any By-law, authorizing the issue of Debentures to pay for any sewer constructed as a local improvement to set out by recital or otherwise the amount of the Corporation or property owners' share of the cost of such work, nor to set out or provide any specific sum to be raised to meet the Corporation's share of the cost of any such work and the interest thereon. The said Town of Preston may pass a By-law for the purposes aforesaid in the form set out in Schedule "A" to this Act, or to the like effect, and any and every such by-law shall be legal, valid and binding upon the said Town of Preston.

3.

3. If in respect of any sewer constructed by the said Corporation of the Town of Preston, as a local improvement, the said annual rate of five and one-half ($5\frac{1}{2}$) cents per foot frontage imposed for a period of thirty years against the lands abutting on, or benefited by any such sewer, shall produce more than the actual cost of any such sewer, the surplus over and above the actual cost shall be used by the town for general sewerage purposes as the council of the said Town may from time to time direct. ,

If annual rate of $5\frac{1}{2}$ c. produces surplus, same may be used for general sewerage purposes.

4. Every by-law passed by the Town of Preston pursuant to this Act, and all assessments and rates authorized and made thereunder, and all debentures issued pursuant thereto, shall be legal, valid and binding upon the Corporation of the Town of Preston, and it shall not be necessary for any purchaser of any such debentures to enquire into the proceedings taken in connection with such by-law or the work authorized thereby, or the assessments made thereunder.

By-laws passed pursuant to this Act declared valid and binding.

5. This Act shall come into force, on the day upon which it receives the Royal Assent.

SCHEDULE "A."

TOWN OF PRESTON

By law No.

Being a by-law to provide for borrowing of \$ upon debentures to pay for sewers constructed as local improvements.

Whereas pursuant to Construction By-law No. , passed the day of , a sewer has been constructed on the following streets, at a total cost of \$, and a special assessment roll in respect of the owners' portion of the cost of said work has been duly made and certified;

And whereas the estimated lifetime of the said work is thirty years;

And whereas the said work has been approved by the Provincial Board of Health;

And whereas it is necessary to borrow the sum of \$ on the credit of the Corporation of the Town of Preston at large, and to issue debentures therefor bearing interest at the rate of per cent. per annum, which is the amount of the debt intended to be created by this by-law;

And whereas it is expedient to make the principal of the said debt repayable in yearly sums, during the period of thirty years, of such amounts respectively, that the aggregate amount payable for principal and interest in each year shall be equal, as nearly as may be, to the amount so payable for principal and interest in each of the other years, and to meet said annual payments it will be necessary to raise annually the sum of \$

4.

And whereas the amount of the whole rateable property of the said municipality, according to the last revised assessment roll is \$

And whereas the amount of the existing debenture debt of the Corporation, exclusive of local improvement debts secured by special rates or assessments, is \$, and no part of the principal or interest is in arrear.

Therefore the Municipal Council of the Corporation of the Town of Preston enacts as follows:

1. That for the purpose aforesaid, there shall be borrowed on the credit of the corporation at large, the sum of \$, and debentures shall be issued therefor, bearing interest at the rate of per cent. per annum, and, having coupons attached thereto for the payment of the interest.

2. The debentures shall all bear the same date and shall be issued within two years after the day on which this by-law is passed, and may bear any date within such two years and shall be payable in thirty annual instalments during the thirty years next after the time when the same are issued, and the respective amounts of principal and interest payable in each of such years shall be as shewn in the schedule attached to this by-law.

3. The debentures as to both principal and interest may be made payable at any place or places in Canada or elsewhere. The said debentures shall be signed by the mayor and treasurer, and sealed with the Corporate Seal of the said Town. The interest coupons attached thereto shall be signed by the treasurer, whose signature may be written, stamped, lithographed or engraved.

4. During the thirty years, the currency of the said debentures, the sum of \$ shall be raised annually for the payment of the said debt and interest as follows:

An equal annual special rate of five and one-half cents per foot frontage is hereby imposed upon the lands entered in the said special assessment roll, according to the assessed frontage thereof over and above all other rates and taxes, which said special rate shall be collected annually by the collector of taxes for the corporation at the same time and in the same manner as other rates, and such further amount as may be necessary to provide the said annual sum of \$ shall be levied and raised annually by a special rate sufficient therefor over and above all other rates on all the rateable property in the municipality at the same time and in the same manner as other rates;

The amount of the loan authorized by this by-law, may be consolidated with the amount of any loans authorized by any other local improvement by-laws;

Passed in council, this day of 19

.....
Mayor.

.....
Clerk.

5.

SCHEDULE

Year.	Principal.	Interest.	Total annual payment.
-------	------------	-----------	--------------------------

5. The Corporation of the Town of Preston may pass a by-law to borrow and may borrow the sum of twenty-four thousand, five hundred dollars (\$24,500.00) and may issue debentures therefor for a period not exceeding thirty (30) years from the date of the issue thereof, and at such rate of interest not exceeding six (6%) per cent. per annum, as the council of the said corporation may determine, to pay for the floating debt of the water department of the Preston Light and Water Commission assumed by the said Town.

6. The Corporation of the Town of Preston may pass a by-law to borrow and may borrow the sum of six thousand, three hundred and thirty-one dollars (\$6,331.00) and may issue debentures therefor, for a period not exceeding thirty (30) years from the date of the issue thereof, and at such rate of interest not exceeding six (6%) per cent. per annum, as the council of the said corporation may determine, to pay the cost of installing a pumping equipment in the Town of Preston, in connection with its sewerage disposal.

7. The Corporation of the Town may pass a by-law to borrow, and may borrow the sum of seven thousand, eight hundred and eighty-three dollars and seventy cents (\$7,883.70) and may issue debentures therefor for a period not exceeding twenty (20) years from the date of the issue thereof, and at such rate of interest not exceeding six (6%) per cent. per annum, as the council of the said corporation may determine, to pay for the Corporation's share of the costs of construction of the new bridge at the northerly limit of King Street, in the said Town.

8. It shall not be necessary that any of the by-laws for the purposes mentioned in the next three preceding sections, shall be submitted to, or receive the assent of the electors or ratepayers of the Town of Preston, or to observe the formalities in relation thereto prescribed by The Municipal Act.

9. The said debentures shall be payable in equal annual instalments of principal and interest, in such a manner and of such amounts that the amount payable for principal and interest in any year, shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years, of the period within which the said debts are to be discharged.

10. The said Corporation shall levy and collect in each year during the period within which the said debt is payable, in addition to all other rates, a special rate sufficient to produce and pay the annual instalments of principal and interest falling due upon the said debentures.

11. No irregularity in the form of the said debentures, or any of them, or of any by-law authorizing the issue thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the said debentures or interest or any part thereof; and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issuing debentures, or as to the application of the proceeds thereof.

12. It shall be the duty of the treasurer for the time being to keep, and it shall be the duty of each of the members from time to time, of the municipal council to procure such treasurer to keep, and see that he does keep, a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the numbers of debentures which from time to time shall be issued under the powers conferred by the preceding sections, and the respective amounts, payment of which is hereby secured and the times at which the said debentures shall respectively become due and payable and the several amounts which shall, from time to time, be realized from the sales or negotiations of the said debentures, and the application which shall, from time to time, be made of the said amounts; and the said books of accounts and statement shall at all times and at all reasonable hours, be open to the inspection of any ratepayer of the said Town, and of any of the holders from time to time, of the debentures which shall be issued under the powers hereby conferred or any of such debentures.

13. By-law No. 811, of the Corporation of the Town of Preston, passed on the 12th day of December, A.D. 1921, being a by-law to provide for borrowing twenty-five thousand, three hundred and forty-two dollars and forty-one cents (\$25,342.41) upon debentures to pay for the construction of sanitary sewers as a local improvement is confirmed and declared to be legal, valid and binding.

No. 13.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting the
Town of Preston.

1st Reading,	1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Private Bill*)

MR. HONOUTH.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Town of Preston.

WHEREAS the Municipal Corporation of the Town of Preston, has, by petition, represented that section 3 of By-law No. 482, of the said corporation was ratified and confirmed by an Act passed in the fifth year of the reign of His Majesty, King George V, chaptered 67; and whereas the said By-law provided that where sewers were constructed as local improvements, the abutting properties should pay a capital charge of eighty-five cents per foot frontage in thirty equal annual instalments, of five and one-half ($5\frac{1}{2}$) cents per foot frontage, during a period of thirty years; and whereas the general rate of interest it is impossible to repay the said capital charge of eighty-five cents per foot frontage, and interest, by an annual rate of five and one-half ($5\frac{1}{2}$) cents per foot frontage, during a period of thirty years; and whereas since the said By-law was ratified and confirmed by the said Act, an annual rate of five and one-half cents per foot frontage during the period of thirty years has been assessed against abutting properties to pay for sewers constructed in the said Town as local improvements; and whereas it is desirable in respect of sewers hereafter to be constructed in the said Town as local improvements that the abutting properties should be assessed and pay an annual rate of five and one-half ($5\frac{1}{2}$) cents per foot frontage during a period of thirty years; and whereas it is accordingly necessary to repeal the said section 3 of said by-law No. 482, and so much of the said statute as refers to said By-law, and to give authority to the said Town to pay for sewers hereafter to be constructed on the said basis, and, if the said annual rate of five and one-half cents per foot frontage during a period of thirty years should produce more than the actual cost of any sewer to use the surplus for general sewerage purposes; and whereas the said Corporation has asked for authority to issue debentures to the amount of thirty-eight thousand, seven hundred and fourteen dollars and seventy cents (\$38,714.70) to cover

Preamble.

2.

the cost of certain work and improvements of an urgent and necessary character; and whereas the said Corporation has by said petition, prayed that an Act be passed ratifying and confirming By-law No. 811 of the Council of the Corporation of the Town of Preston, passed on the 12th day of December, 1921; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Section 3 of By-law No. 482, Preston, and provisions 1915, c.67 relating thereto, repealed.

1. Section 3 of By-law No. 482, of the Town of Preston, passed in the year 1910, and all the provisions of an Act passed in the fifth year of the reign of His Majesty King George V, chaptered 67, relating thereto, are hereby repealed.

Authority to pay for sewers constructed as a local improvement by annual rate of 5½ c. for 30 years, the remainder of the cost to be borne by the corporation.

Form of by-law.

2. Notwithstanding anything contained in *The Local Improvement Act*, or any other Act, it shall be lawful for the Corporation of the Town of Preston, when constructing any sewer as a local improvement work and borrowing money therefor by the issue of Debentures, to charge lands abutting directly on said sewer or benefited thereby an annual rate of five and one-half cents per foot frontage, for a period of thirty years to pay, and in full satisfaction of the owners' share of the cost of such sewer and the interest thereon. The remainder of the cost of such sewer shall be borne by the Corporation of the Town of Preston at large, and the said Corporation shall in each year during said period of thirty years impose, levy and raise such sum as may be necessary to meet the Corporation's share of the said cost and interest thereon by a rate sufficient therefor, on all the rateable property in the said Corporation, and it shall not be necessary for any By-law, authorizing the issue of Debentures to pay for any sewer constructed as a local improvement to set out by recital or otherwise the amount of the Corporation or property owners' share of the cost of such work, nor to set out or provide any specific sum to be raised to meet the Corporation's share of the cost of any such work and the interest thereon. The said Town of Preston may pass a By-law for the purposes aforesaid in the form set out in Schedule "A" to this Act, or to the like effect, and any and every such by-law shall be legal, valid and binding upon the said Town of Preston.

3.

3. If in respect of any sewer constructed by the said Corporation of the Town of Preston, as a local improvement, the said annual rate of five and one-half ($5\frac{1}{2}$) cents per foot frontage imposed for a period of thirty years against the lands abutting on, or benefited by any such sewer, shall produce more than the actual cost of any such sewer, the surplus over and above the actual cost shall be used by the town for general sewerage purposes as the council of the said Town may from time to time direct. ,

rate of $5\frac{1}{2}$ c. produces surplus, same may be used for general sewerage purposes.

4. Every by-law passed by the Town of Preston pursuant to this Act, and all assessments and rates authorized and made thereunder, and all debentures issued pursuant thereto, shall be legal, valid and binding upon the Corporation of the Town of Preston, and it shall not be necessary for any purchaser of any such debentures to enquire into the proceedings taken in connection with such by-law or the work authorized thereby, or the assessments made thereunder.

By-laws passed pursuant to this Act declared valid and binding.

5. The Corporation of the Town of Preston may pass a by-law to borrow and may borrow the sum of fifteen thousand, five hundred dollars (\$15,500.00) and may issue debentures therefor for a period not exceeding five (5) years from the date of the issue thereof, and at such rate of interest not exceeding six (6%) per cent. per annum, as the council of the said corporation may determine, to pay for the floating debt of the water department of the Preston Light and Water Commission assumed by the said Town.

Authority to borrow \$15,000.00 on debentures to pay floating debt of water department.

42

6. The Corporation of the Town of Preston may pass a by-law to borrow and may borrow the sum of nine thousand dollars (\$9,000.00) and may issue debentures therefor for a period not exceeding thirty (30) years from the date of issue thereof, and at such rate of interest not exceeding six (6%) per cent. per annum, as the council of the said corporation may determine, to pay for certain permanent improvements and extensions made to the Waterworks of the said Town.

Authority to borrow \$9,000 on debentures to pay for certain permanent improvements.

7. The Corporation of the Town of Preston may pass a by-law to borrow and may borrow the sum of six thousand, three hundred and thirty-one dollars (\$6,331.00) and may issue debentures therefor, for a period not exceeding thirty (30) years from the date of the issue thereof, and at such rate of interest not exceeding six (6%) per cent. per annum, as the council of the said corporation may determine, to pay the cost of installing a pumping equipment in the Town of Preston, in connection with its sewage disposal.

Authority to borrow \$6,331.00 on debentures to pay for pumping equipment.

Authority to
borrow
\$7,883.70 on
debenture
to pay for
new King
St. bridge.

8. The Corporation of the Town may pass a by-law to borrow, and may borrow the sum of seven thousand, eight hundred and eighty-three dollars and seventy cents (\$7,883.70) and may issue debentures therefor for a period not exceeding (20) years from the date of the issue thereof, and at such a rate of interest not exceeding six (6%) per cent. per annum, as the council of the said corporation may determine, to pay for the Corporation's share of the costs of construction of the new bridge at the northerly limit of King Street, in the said Town.

Assent of
electors not
required.

9. It shall not be necessary that any of the by-laws for the purposes mentioned in the next three preceding sections shall be submitted to, or receive the assent of the electors or ratepayers of the Town of Preston, or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

Debentures
to be paid
in equal
annual in-
stalments of
principal and
interest.

10. The said debentures shall be payable in equal annual instalments of principal and interest, in such a manner and of such amounts that the amount payable for principal and interest in any year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years, of the period within which the said debts are to be discharged.

Special rate.

11. The said Corporation shall levy and collect in each year during the period within which the said debt is payable, in addition to all other rates, a special rate sufficient to produce and pay the annual instalments of principal and interest falling due upon the said debentures.

Irregularity
not to in-
validate.

12. No irregularity in the form of the said debentures, or any of them, or of any by-law authorizing the issue thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the said debentures or interest or any part thereof; and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issuing debentures, or as to the application of the proceeds thereof.

Books of
account to
be kept.

13. It shall be the duty of the treasurer for the time being to keep, and it shall be the duty of each of the members from time to time, of the municipal council to procure such treasurer to keep, and see that he does keep, a proper book of account, setting forth a full and particular state-

ment, so that the same shall at all times show the numbers of debentures which from time to time shall be issued under the powers conferred by the preceding sections, and the respective amounts, payment of which is hereby secured, and the times at which the said debentures shall respectively become due and payable and the several amounts which shall, from time to time, be realized from the sales or negotiations of the said debentures, and the application which shall, from time to time, be made of the said amounts; and the said books of accounts and statement shall at all times and at all reasonable hours, be open to the inspection of any ratepayer of the said Town, and of any of the holders from time to time, of the debentures which shall be issued under the powers hereby conferred or any of such debentures.

14. This Act shall come into force, on the day upon which it receives the Royal Assent. Commence-
ment of Act.

SCHEDULE "A."

TOWN OF PRESTON

By law No.

Being a by-law to provide for borrowing of \$ upon debentures to pay for sewers constructed as local improvements.

Whereas pursuant to Construction By-law No. , passed the day of , a sewer has been constructed on the following streets, at a total cost of \$, and a special assessment roll in respect of the owners' portion of the cost of said work has been duly made and certified;

And whereas the estimated lifetime of the said work is thirty years;

And whereas the said work has been approved by the Provincial Board of Health;

And whereas it is necessary to borrow the sum of \$ on the credit of the Corporation of the Town of Preston at large, and to issue debentures therefor bearing interest at the rate of per cent. per annum, which is the amount of the debt intended to be created by this by-law;

And whereas it is expedient to make the principal of the said debt repayable in yearly sums, during the period of thirty years, of such amounts respectively, that the aggregate amount payable for principal and interest in each year shall be equal, as nearly as may be, to the amount so payable for principal and interest in each of the other years, and to meet said annual payments it will be necessary to raise annually the sum of \$

And whereas the amount of the whole rateable property of the said municipality, according to the last revised assessment roll is \$

And whereas the amount of the existing debenture debt of the Corporation, exclusive of local improvement debts secured by special rates or assessments, is \$, and no part of the principal or interest is in arrear.

Therefore the Municipal Council of the Corporation of the Town of Preston enacts as follows:

1. That for the purpose aforesaid, there shall be borrowed on the credit of the corporation at large, the sum of \$, and debentures shall be issued therefor, bearing interest at the rate of per cent. per annum, and, having coupons attached thereto for the payment of the interest.

2. The debentures shall all bear the same date and shall be issued within two years after the day on which this by-law is passed, and may bear any date within such two years and shall be payable in thirty annual instalments during the thirty years next after the time when the same are issued, and the respective amounts of principal and interest payable in each of such years shall be as shewn in the schedule attached to this by-law.

3. The debentures as to both principal and interest may be made payable at any place or places in Canada or elsewhere. The said debentures shall be signed by the mayor and treasurer, and sealed with the Corporate Seal of the said Town. The interest coupons attached thereto shall be signed by the treasurer, whose signature may be written, stamped, lithographed or engraved.

4. During the thirty years, the currency of the said debentures, the sum of \$ shall be raised annually for the payment of the said debt and interest as follows:

An equal annual special rate of five and one-half cents per foot frontage is hereby imposed upon the lands entered in the said special assessment roll, according to the assessed frontage thereof over and above all other rates and taxes, which said special rate shall be collected annually by the collector of taxes for the corporation at the same time and in the same manner as other rates, and such further amount as may be necessary to provide the said annual sum of \$ shall be levied and raised annually by a special rate sufficient therefor over and above all other rates on all the rateable property in the municipality at the same time and in the same manner as other rates;

The amount of the loan authorized by this by-law, may be consolidated with the amount of any loans authorized by any other local improvement by-laws;

Passed in council, this day of 19

.....
Mayor.

.....
Clerk.

No. 13.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting the
Town of Preston.

1st Reading,	7th, March	1922.
2nd Reading,		1922.
3rd Reading,		1922.

(Reprinted as amended by the Private
Bills Committee).

MR. HOWTH.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Mount McKay and Kakabeka Falls Railway Company.

WHEREAS the Mount McKay and Kakabeka Falls Preamble.
Railway Company was incorporated by an Act passed by the Legislature of the Province of Ontario, in the fourth year of the reign of His late Majesty King Edward the Seventh, chaptered 82, as amended by an Act passed in the eighth year of His late Majesty's reign, chaptered 131, and as further amended by an Act passed in the second year of the reign of His Majesty King George the Fifth, chaptered 143, and as further amended by an Act passed in the sixth year of the reign of His Majesty King George the Fifth, chaptered 104, and as further amended by an Act passed in the tenth year of the reign of His Majesty King George the Fifth, chaptered 151, for the purpose of constructing and maintaining a railway to be operated by electricity, compressed air or other motive power, as set forth in the said Acts; and whereas by the Act passed in the tenth year of the reign of His Majesty King George the Fifth, chaptered 151, it was, among other things, provided that the said company might operate the said railway and any authorized extensions thereof by steam, for a period of two years from April 1st, 1920, except on Neebing Avenue, north of Montreal Street; and whereas it was, among other things, further provided by the said Act that the time for completion of the said railway be extended for a period of two years from the passing of the said last-mentioned Act; and whereas the said company has, by its petition prayed for an Act extending the time within which the said company may operate the said railway and any authorized extensions thereof by steam, for a further period of four years, except on Neebing Avenue, north of Montreal Street, and extending the time for completing the said railway for a further term of four years; and conferring such other rights, powers and authorities as may be incidental to the above; and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1920 c. 151,
s. 1, repealed.

1. Section 1 of the Act passed in the tenth year of the reign of His Majesty King George the Fifth, chaptered 151, is repealed, and the following substituted therefor:—

- (1) Section 2 of the Act passed in the fourth year of the reign of His late Majesty King Edward the Seventh, chaptered 82, is amended by adding thereto the following words: "Provided that the said company may operate the said railway and any authorized extensions thereof by steam, for a period of four years from April 1st, 1922, except on Neebing Avenue, north of Montreal Street, but such right to operate by steam shall then absolutely cease."

1920 c. 151,
s. 3, repealed.

2. Section 3 of the Act passed in the tenth year of the reign of His Majesty King George the Fifth, chaptered 151, is repealed.

Railway to
be completed
within four
years
Rev. Stat.
c. 185.

3. Notwithstanding anything contained in *The Ontario Railway Act*, the railway authorized by the said Act, passed in the fourth year of the reign of His late Majesty King Edward the Seventh, chaptered 82, as amended by the Act passed in the eighth year of His late Majesty's reign, chaptered 131, and as further amended by the Act passed in the second year of the reign of His Majesty King George the Fifth, chaptered 143, and as further amended by the Act passed in the sixth year of the reign of His Majesty King George the Fifth, chaptered 104, and as further amended by an Act passed in the tenth year of the reign of His Majesty King George the Fifth, chaptered 151, and by this Act, shall be completed within four years from the passing of this Act, and if the railway is not completed and put in operation within four years from the passing of this Act, then the powers granted to the company by the said Acts shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Powers of
company to
be deemed in
force and
agreements
not affected.

4. Subject to the provisions of this Act, all rights, powers, authorities and privileges conferred upon the said company by the said Acts, or by any general Act, are hereby declared to be in force, and nothing in this Act contained shall in any way be deemed to affect any agreement heretofore entered into between the company and any municipal corporation or any other person or persons.

No. 14.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting the
Mount McKay and Kakabeka Falls
Railway Company.

1st Reading,	1922.
2nd Reading,	1922.
3rd Reading.	1922.

(*Private Bill*)

MR. HEENAN.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Mount McKay and Kakabeka Falls Railway Company.

WHEREAS the Mount McKay and Kakabeka Falls Preamble.
Railway Company was incorporated by an Act passed by the Legislature of the Province of Ontario, in the fourth year of the reign of His late Majesty King Edward the Seventh, chaptered 82, as amended by an Act passed in the eighth year of His late Majesty's reign, chaptered 131, and as further amended by an Act passed in the second year of the reign of His Majesty King George the Fifth, chaptered 143, and as further amended by an Act passed in the sixth year of the reign of His Majesty King George the Fifth, chaptered 104, and as further amended by an Act passed in the tenth year of the reign of His Majesty King George the Fifth, chaptered 151, for the purpose of constructing and maintaining a railway to be operated by electricity, compressed air or other motive power, as set forth in the said Acts; and whereas by the Act passed in the tenth year of the reign of His Majesty King George the Fifth, chaptered 151, it was, among other things, provided that the said company might operate the said railway and any authorized extensions thereof by steam, for a period of two years from April 1st, 1920, except on Neebing Avenue, north of Montreal Street; and whereas it was, among other things, further provided by the said Act that the time for completion of the said railway be extended for a period of two years from the passing of the said last-mentioned Act; and whereas the said company has, by its petition prayed for an Act extending the time within which the said company may operate the said railway and any authorized extensions thereof by steam, for a further period of four years, except on Neebing Avenue, north of Montreal Street, and extending the time for completing the said railway for a further term of four years; and conferring such other rights, powers and authorities as may be incidental to the above; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1920 c. 151.
s. 1, repealed.

1. Section 1 of the Act passed in the tenth year of the reign of His Majesty King George the Fifth, chaptered 151, is repealed, and the following substituted therefor:—

- (1) Section 2 of the Act passed in the fourth year of the reign of His late Majesty King Edward the Seventh, chaptered 82, is amended by adding thereto the following words: "Provided that the said company may operate the said railway and any authorized extensions thereof by steam, for a period of four years from April 1st, 1922, except on Neebing Avenue, north of Montreal Street, but such right to operate by steam shall then absolutely cease."

1920 c. 151.
s. 3, repealed.

2. Section 3 of the Act passed in the tenth year of the reign of His Majesty King George the Fifth, chaptered 151, is repealed.

Railway to
be completed
within four
years
Rev. Stat.
c. 185.

3. Notwithstanding anything contained in *The Ontario Railway Act*, the railway authorized by the said Act, passed in the fourth year of the reign of His late Majesty King Edward the Seventh, chaptered 82, as amended by the Act passed in the eighth year of His late Majesty's reign, chaptered 131, and as further amended by the Act passed in the second year of the reign of His Majesty King George the Fifth, chaptered 143, and as further amended by the Act passed in the sixth year of the reign of His Majesty King George the Fifth, chaptered 104, and as further amended by an Act passed in the tenth year of the reign of His Majesty King George the Fifth, chaptered 151, and by this Act, shall be completed within four years from the passing of this Act, and if the railway is not completed and put in operation within four years from the passing of this Act, then the powers granted to the company by the said Acts shall cease and be null and void as respects so much of the railway as then remains uncompleted.



When
approval of
Township
and Municipal Board
required.

4. That notwithstanding anything contained in any Act heretofore passed respecting the Municipality of the Township of Paipoonge or the Mount McKay and Kakabeka Falls Railway Company or in any By-law of the Corporation of the Municipality of Paipoonge, the Mount McKay

and Kakabeka Falls Railway Company shall not be entitled to carry its railway along any highway of the Township of Paipoonge, without the consent of the Corporation of the Township of Paipoonge, or across any highway of the Township of Paipoonge, other than the highways already crossed by the railway, without an order of the Ontario Railway and Municipal Board after notice of the application to the Corporation of the Township of Paipoonge.



5. Subject to the provisions of this Act, all rights, powers, authorities and privileges conferred upon the said company by the said Acts, or by any general Act, are hereby declared to be in force, and nothing in this Act contained shall in any way be deemed to affect any agreement heretofore entered into between the company and any municipal corporation or any other person or persons.

Powers of
company to
be deemed in
force and
agreements
not affected.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting the
Mount McKay and Kakabeka Falls
Railway Company.

1st Reading,	7th February, 1922.
2nd Reading,	1922.
3rd Reading.	1922.

*Reprinted as amended by the Railway
Committee.*

Mr. HEENAN.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the City of Sault Ste. Marie.

WHEREAS the Municipal Council of the Corporation City of Sault Ste. Marie hereinafter called "The Corporation" has by petition represented that it is desirable that certain by-laws specified in schedule "A" hereto, and the debentures issued or to be issued thereunder, and the assessments made or to be made, and the rates levied or to be levied for the payment of the said debentures be validated and confirmed, and that all sales of lands within the City of Sault Ste. Marie made subsequent to the 31st day of December, 1919, and prior to the first day of January, 1921, which purport to have been made by the said corporation for arrears of taxes in respect to lands so sold for which tax deeds have been issued by the said corporation be validated and confirmed and that authority be given to the municipal council of the said corporation to revise the estimates of all non-elective boards in the said city which expend money raised in whole or in part by municipal taxation notwithstanding the provisions of the statutes governing such boards; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The by-laws specified in schedule "A" hereto and all debentures issued or to be issued thereunder and all assessments made or to be made and all rates levied or to be levied for the payment of the said debentures so authorized or any portion thereof are confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof. Certain by-laws of city set out in schedule confirmed.

Tax deeds issued between 31st Dec., 1919 and 1st Jan., 1921 confirmed.

2. (1) All sales of lands within the City of Sault Ste. Marie made subsequent to the 31st day of December, 1919, and prior to the first day of January, 1921, which purport to have been made by the corporation of the said city for arrears of taxes in respect to lands so sold for which tax deeds have been issued by the said corporation are hereby validated and confirmed, and all deeds of lands so sold executed by the mayor and treasurer of the said corporation on behalf of the said corporation purporting to convey the said lands so sold to the purchaser thereof or his, her or their assigns, are hereby validated and confirmed, and shall have the power of vesting the lands so sold or conveyed or purporting to be sold or conveyed, and the same are hereby vested in the purchaser, or his or her or their heirs and assigns in fee simple, free and clear of and from all title or interest whatsoever of the owner or owners thereof at the time of such sale or his, her or their assigns, and all charges or encumbrances thereon, except taxes accrued since those for which payment whereof the said lands were sold.

Subs. 1 to apply where corporation or trustee is purchaser.

(2) Subsection 1 of this section shall extend and apply to cases where the said corporation or any person or persons in trust for it or in its behalf became the purchaser of lands at any such tax sale.

Section not to affect pending litigation.

(3) Nothing in this section contained shall affect any action, litigation or other proceedings now pending, but the same may be proceeded with and finally adjudicated upon in the same manner and as fully and effectually as if this Act had not been passed.

Power of council to revise estimates of non-elective boards.

3. The municipal council of the said corporation shall have power to revise the estimates of all non-elective boards in the said city which expend money raised in whole or in part by municipal taxation, and shall not be bound to pay over to the said boards or any of them or to make a levy for the full amount for which a requisition has been made, notwithstanding the provisions of the statutes governing such boards.

Short title.

4. This Act may be cited as *The City of Sault Ste. Marie Act, 1922*.

Commencement of Act.

5. This Act shall come into force and take effect on the day upon which it receives the Royal Assent.

3.

SCHEDULE "A"

(a) By-law No. 1155 of the City of Sault Ste. Marie a by-law to provide for the issue of debentures to raise the sum of \$35,000.00 for the equipment of the Assembly Hall of the High School and the completion of the construction of an addition to the High School;

(b) By-law No. 1156 of the City of Sault Ste Marie a by-law to authorize the issue of debentures to raise the sum of \$12,000.00 to pay for the cost of construction of a 42" storm sewer from the south limit of Northland Road to Bloor Street in the said city; a 48" concrete sewer across St. George's Avenue, and a 30" sewer across Parliament and Bloor Streets;

(c) By-law No. 1159 of the City of Sault Ste. Marie a by-law to authorize the issue of debentures to raise the sum of \$4,600.00 for the construction of a bridge on Lansdowne Avenue in the City of Sault Ste Marie;

(d) By-law No. 1160 of the City of Sault Ste. Marie a by-law to authorize the issue of debentures to raise the sum of \$7,200.00 for the construction of a bridge on Gladstone Avenue in the City of Sault Ste. Marie;

(e) By-law No. 1161 of the City of Sault Ste. Marie a by-law to authorize the issue of debentures to raise the sum of \$9,500.00, the cost of certain sewers constructed as local improvements in 1921;

(f) By-law No. 1162 of the City of Sault Ste. Marie a by-law to authorize the issue of debentures to raise the sum of \$54,500.00 the cost of the Harris & Buckley sewer system, constructed as a local improvement in the year 1921;

(g) By-law No. 1163 of the City of Sault Ste. Marie a by-law to authorize the issue of debentures to raise the sum of \$17,000.00, the cost of certain granolithic sidewalks constructed as local improvements in the year 1921;

(h) By-law No. 1164 of the City of Sault Ste. Marie a by-law to authorize the issue of debentures to raise the sum of \$14,000.00 to provide for the deficiency realized on the sale of debentures authorized under by-law No. 1059 of the City of Sault Ste. Marie, and the excess cost of the work set forth in said by-law, over the estimated cost;

(i) By-law No. 1165 of the City of Sault Ste. Marie a by-law to authorize the issue of debentures to raise the sum of \$16,000.00 to provide for the deficiency realized on the sale of debentures authorized under by-law No. 1111 of the City of Sault Ste. Marie.

No. 15.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting the
City of Sault Ste. Marie

1st Reading	1922
2nd Reading	1922
3rd Reading	1922

(*Private Bill.*)

Mr. CUNNINGHAM.

TORONTO:
PRINTED BY A. T. WILKES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Town of Walkerville.

WHEREAS the Corporation of the Town of Walkerville has by its petition represented that Harrington E. Walker, Hiram H. Walker and F. Caldwell Walker, individually and as executors and trustees of the estate of J. Harrington Walker, deceased, Margaret T. Walker, widow of said J. Harrington Walker, deceased, Mary Margaret Walker Small and Elizabeth T. Walker, children and residuary legatees and devisees of said J. Harrington Walker, deceased, May Walker, widow of Franklin H. Walker, deceased, and the Detroit Trust Company, as executors and trustees of the estate of said Franklin H. Walker, deceased, and Mary Griffin Walker, widow of Edward Chandler Walker, deceased did by agreement made the 14th day of February, 1921, agree to convey to the said Corporation of the Town of Walkerville the land and premises in the Town of Walkerville known as "Willistead" consisting of about fifteen and one half (15½) acres, to be used for public purposes on certain conditions set out in the said agreement, and did execute a conveyance in pursuance thereof dated the day of May, 1921, containing conditions in regard to the preservation of the grounds and of the architectural design of the building, and that it is expedient that the said agreement entered into by the said municipal corporation to carry out the terms thereof should be declared legal and valid, and that the Corporation of the Town of Walkerville is entitled to accept and receive the conveyance of the said land and premises subject to the conditions contained therein, and should be empowered to carry out the same, and whereas the said Corporation of the Town of Walkerville has represented that in order to make full use of the said premises known as "Willistead" it is necessary to move to the said premises all the municipal offices from the various buildings in which they have been situated throughout the town, amongst them the Public Library, and for that purpose it is necessary to remodel part of the said building and to increase the staff, and that the

Preamble.

Rev. Stat.
c. 192.

1920 c. 84.

library rate at present chargeable under *The Municipal Act* will be insufficient to provide the money for said purpose and it is desirable to allow the same to be increased; and whereas by the Act passed in the sixth year of the reign of His Majesty King George V, chaptered 97, the Council of the Corporation of the Town of Walkerville was authorized to pass a by-law to keep the polls open in all elections until seven o'clock in the afternoon of the day of the election, and the council desires to be empowered to change the said hour by by-law and to hold the annual municipal elections on the second Monday of the month of December in each year; and whereas the Housing Commission of the Town of Walkerville after obtaining the proper approval under the provisions of *The Municipal Housing Act* did advance to the Border Housing Company certain money for the erection of one hundred (100) houses in the Town of Walkerville, and did take as security a mortgage which has fallen in default, and about seventy-two (72) of the said houses are unsold, and the debentures issued by the town for the said loan are payable within fifteen (15) years from the date thereof running concurrently with the sales of the houses by the said Border Housing Company, and owing to the present business depression a considerable loss will be made in the said houses but some may be saved by extending the period over which the terms of payment may run, and the council of the town desires to obtain further control over its housing commission and to be allowed to extend the terms of the payment for the said houses beyond the period of fifteen (15) years, and to issue debentures for such investment of principal as may be necessary to complete and pay the charges against the said houses; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Conveyance
between H.
E. Walker
et al and
Walkerville
declared valid
and binding.

1. The conveyance dated the day of May, 1921, made in pursuance of the agreement dated the 14th day of February, 1921, between Harrington E. Walker and others to the Corporation of the Town of Walkerville as set out in Schedule "A" hereto, of the lands and premises in the said Town of Walkerville, known as "Willistead" is legal and valid and the Corporation of the Town of Walkerville has power to accept the same and carry out the conditions contained therein and the council of the said town may expend from the current funds such amounts as may be necessary to maintain and improve the said premises.

2. For the purpose of carrying out the conditions contained in the said agreement or conveyance, and for the purpose of repairing, improving or remodelling the buildings on the said lands, the Council of the Corporation of the Town of Walkerville may under the provisions of *The Municipal Act* agree for temporary advances and may borrow money by the issue of debentures, payable within not more than thirty (30) years from the time of the issue without the consent of the electors entitled to vote on money by-laws.

Power to borrow money on debentures for improvement of premises without assent of electors.

Rev. Stat. c. 192.

3. The Council of the Town of Walkerville instead of the rate authorized by subsection 1 of section 2 of *The Public Libraries Act* and in addition to all other rates and assessments levied and assessed for municipal purposes may levy and assess in each year a special rate to be called the "Public Library rate" sufficient to provide the amount estimated by the Public Library Board, but such rate shall not exceed one mill on the dollar of assessment.

Power to levy special "Public Library rate." 1920 c. 69.

4. Section 1 of the Act passed in the sixth year of the reign of His Majesty King George V, chaptered 97, is hereby amended by inserting after the word "until" in the fourth line "an hour named therein not later than" and by adding at the end thereof the words "but the polls shall not be closed at an earlier hour than five o'clock and the said Council may likewise repeal such by-law from time to time."

Hours of polling. 1916 c. 97, s. 1, amended.

5. The Council of the Corporation of the Town of Walkerville shall hold the meeting of the electors for the nomination of candidates for mayor, councillors, public school trustees and commissioners, annually at ten o'clock in the forenoon of the first Monday in December instead of at the time provided in *The Municipal Act*, at the municipal building in the Town of Walkerville or at such place therein as may from time to time be fixed by by-law, and in case a poll is required it shall be held on the second Monday in December thereafter.

Date of holding nomination and elections.

Rev. Stat. c. 192.

6. The time for holding the meeting and closing the financial statement under subsection 9 of section 237 of *The Municipal Act* in the Town of Walkerville shall be the 1st day of December, and the day for posting up or delivering under subsection 11 and 12 of said section shall be the 7th day of December.

Date of holding meetings, etc., required by Rev. Stat. c. 192, s. 237.

Sale of houses
erected by
Border Hous-
ing Company-
extension
terms of
payment—
payment out
of general
funds.
1920 c. 84.

7. The houses erected on the lands set out in Schedule "B" hereto by the Border Housing Company for the Housing Commission of the Town of Walkerville may notwithstanding the provisions of *The Municipal Housing Act* be sold at such prices as may be obtainable, and the payments thereof may extend over a period of not greater than twenty-five years from the date of the sale, and they may be rented or leased from time to time and the council of the said town may advance to the housing commission from the current funds the money required from time to time for maintenance or repair.

Power to
borrow money
on debentures
for payment
and repair
of said
houses.

8. The Council of the Corporation of the Town of Walkerville may, under the provisions of *The Municipal Act*, agree for temporary advances and borrow money by the issue of debentures payable within twenty-five (25) years from the time of issue for the purpose of completing or paying liens or charges on or for making permanent repairs upon the said houses without the consent of the electors entitled to vote on money by-laws.

Removal and
appointment
of Commis-
sioners by
Council.

9. The members of the Housing Commission of the Town of Walkerville other than the head of the council may be removed from office by resolution of the said council at any time and the said council shall appoint a new member or members to complete the term.

By-law No.
853 confirmed.

10. By-law Number 853 of the Corporation of the Town of Walkerville, passed on the 23rd day of May, 1921, authorizing the issue of debentures for the sum of \$60,000 set forth in schedule "C" to this Act to pay for the cost of the improvement to a street lighting system and extensions on certain streets, and the debentures issued thereunder are hereby ratified and confirmed and are declared to be legal and valid.

By-law No.
652 confirmed.

11. By-law Number 852 of the Corporation of the Town of Walkerville, passed on the 23rd day of May, 1921, authorizing the issue of debentures for the sum of \$75,000 set forth in schedule "D." to this Act to pay for the cost of a concrete sidewalk on certain streets, and the debentures issued thereunder are hereby ratified and confirmed and are declared to be legal and valid.

By-law No.
846 as
amended by
By-law No.
886 confirmed.

12. By-law Number 846, set forth in schedule "E" of the Corporation of the Town of Walkerville as amended by by-law Number 886, set forth in schedule "F," passed on the 8th day of March, 1921, authorizing the issue of debentures for the sum of \$100,000 under *The Municipal Housing Act, 1920*, and the debentures issued thereunder are hereby ratified and confirmed and are declared to be legal and valid.

SCHEDULE "A."

This Indenture made (in duplicate) the day of May, one thousand nine hundred and twenty-one, in pursuance of *The Short Forms of Conveyances Act*.

Between:

Harrington E. Walker, Hiram H. Walker and F. Caldwell Walker in their personal capacities and as executors and trustees of the estate of J. Harrington Walker deceased, Margaret T. Walker widow of said J. Harrington Walker, Mary Margaret Walker Small and Elizabeth T. Walker, children and residuary legatees and devisees of said J. Harrington Walker National Trust Company Limited, as administrator in Ontario of the estate of Franklin H. Walker, deceased and as executor and trustee of the estate of Edward Chandler Walker deceased, May Walker widow of the said Franklin H. Walker and Mary Emma Griffin Walker widow of the said Edward Chandler Walker hereinafter called the "Grantors" of the first part;

and

The Corporation of the Town of Walkerville, hereinafter called the "Grantee," of the other part;

Witnesseth:

That in pursuance of a certain agreement entered into by the parties hereto, and bearing date February, 1921, and in consideration of the undertakings and agreements therein and herein contained on the part of the grantee to be observed and performed, the grantors according to their several estates and interests do hereby grant and release unto the said grantee in fee simple all and singular that certain parcel or tract of land and premises situate, lying and being in the Town of Walkerville, in the Province of Ontario known as "Willistead," being composed of all that part of lots numbers ninety-four (94) and ninety-five (95) (McNiff's Survey) bounded on the east by Devonshire Road on the north by Niagara Street, on the south by Huron Street and on the west by Victoria Road, the said lands being more particularly described in two certain deeds of conveyance made by Charles Louis Chilver and the Walkerville Land & Building Company, Limited to the late Edward Chandler Walker, registered in the Registry Office for the County of Essex as numbers 701 and 1049 for the town of Walkerville; to have and to hold for certain public purposes, subject nevertheless to the reservations, limitations, provisoes and conditions expressed in the original grant thereof from the Crown, and to the said undertaking and agreements;

And the grantee hereby covenants and agrees with the grantors, individually and collectively, that the grantee will keep and maintain the said lands perpetually for public purposes, the same to be known as "Willistead Park," that due and proper care will be taken of the trees and shrubs therein; and that the fence around the said lands will be properly kept and maintained during the period of its natural life, or such other period as the necessities of the grantee will permit; that within five years from the date hereof, the grantee will, at its own expense, remodel the residence and other buildings on the said lands so far as remodelling may be necessary for the public purposes for which the same may be used, said remodelling to be in accordance with plans to be submitted and approved by the said Harrington W. Walker, Hiram H. Walker and F. Caldwell Walker and the survivors or survivor; and that a suitable portion of the said residence, after such remodelling shall be set apart and used for public library purposes, the said public library to be known as "Willistead Library;"

6.

And that it will not alter or permit to be altered, the exterior of the said residence so as to mar or injure in any way the general architectural design thereof; and that it will not make or permit any substantial structural alteration in any of the said buildings or premises without the approval first had and obtained of the Ontario Association of Architects, and that it will not erect or permit to be erected, any building or structure on the said lands without the approval first had and obtained of the said Association.

Provided that nothing in these presents contained shall be construed to prevent the use of a portion of the building on said premises for lecture purposes and meetings of any kind regarding matters of public interest.

In witness whereof the parties hereto have hereunto set their hands and seals.

Signed sealed and delivered
in the presence of

(Sgd.) GUS. BENFIELD.
(Sgd.) CHAS. E. HILTON.
(Sgd.) GUS. BENFIELD.
(Sgd.) GUD. BENFIELD.
(Sgd.) G. M. FAYRE.
(Sgd.) J. H. COLBURN.

(Sgd.) HARRINGTON E. WALKER. LS
(Sgd.) HIRAM H. WALKER. LS
(Sgd.) MAY WALKER. LS
(Sgd.) F. CALDWELL WALKER. LS
(Sgd.) Mary Margartt Small. LS
(Sgd.) MARGARET T. WALKER. LS
(Sgd.) ELIZABETH T. WALKER. LS
(Sgd.) MARY E. G. WALKER. LS

NATIONAL TRUST COMPANY, LIMITED,

By (Sgd.) H. MEREDITH, *Vice-President*.
By (Sgd.) C. H. MACGUIRE, *Asst. Secretary*.
(Corporate Seal)

THE CORPORATION OF THE TOWN OF WALKERVILLE.

By (Sgd.) CHAS. J. STODGELL, *Mayor*.
By (Sgd.) A. E. COCK, *Clerk*.
(Corporate Seal)

Approved for execution by N. T. Co.,

(Sgd.) N. M. JENNINGS.

I certify that the within paper writing is a true and correct copy of an original instrument duly entered and registered in the Registry Office for the Registry Division of the County of Essex, in Book No. I for the Town of Walkerville, at 10.15 o'clock A.M. of the 9th day of September A.D. 1921, as No. 6193. Witness my hand and seal this 31st day of January A.D. 1922.

(Sgd.) THOS. E. GREEN,

Deputy Registrar.

SCHEDULE "B"

All and singular those certain parcels or tracts of land and premises, situate, lying and being in the Town of Walkerville, in the County of Essex, and Province of Ontario, and being composed of Firstly, lots numbers 153, 154, 155, 156, 157, 158, 159, 160, 161, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, on the east side of Turner Road, and lots numbers 214, 215, 216, 217, 218, 219, 220, 221, 222, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 253, 254, 255, 256, 257, 258, 259, 260, on the west side of Turner Road, according to plan registered in the Registry Office of the Registry Division of the County of Essex as number 951, for the Town of Walkerville, and Secondly, lots numbers 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, on the east side of Windermere Road, and lots numbers 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, on the west side of Windermere Road according to plan registered in the Registry Office for the Registry Division of the County of Essex as number 949 for the Town of Walkerville.

SCHEDULE "C"

BY-LAW No. 853.

OF THE TOWN OF WALKERVILLE

A by-law to provide for borrowing the sum of \$60,000.00 by the issue of debentures to pay for the cost of improvement to the street lighting system and of extensions on the following streets, namely: Lincoln, Windermere, Seneca, Dacotah, Oneida, Walker, Turner and Kildare Rd.

And whereas it is deemed necessary to provide the sum of \$60,000.00 necessary for improvements and for extensions in the street lighting system, the lifetime of the said improvements and extensions being twenty years and over.

And whereas it is considered desirable and necessary to borrow the said sum of \$60,000.00 on the credit of the Corporation, and to issue twenty year debentures therefor bearing interest at the rate of six per cent. per annum, which is the amount of the debt intended to be created by this by-law and is within the lifetime of the work.

And whereas it is expedient to make the principal of the said debt repayable in yearly sums during the period of twenty years of such amounts respectively that the aggregate amount payable for the principal and interest in any year shall be equal as nearly as may be to the amount so payable for the principal and interest in each of the other years.

And whereas it will be necessary to raise annually the sum of \$5,231.08 during the period of twenty years to pay the said yearly sums of principal and interest as they become due.

And whereas the amount of the whole rateable property of the municipality according to the last revised assessment roll is \$11,234,382.00.

8.

And whereas the amount of the existing debenture debt of the corporation (exclusive of local improvement debts, secured by special rates of assessment) is \$534,502.42:

And whereas it will require the sum of \$5,231.08 to be raised annually during the said period of twenty years by a special rate sufficient therefor over and above and in addition to all other rates upon all rateable property of the municipality for the payment of the debt so to be created for the purpose aforesaid, and interest thereon annually at the rate of six per cent. per annum being for principal and interest in each year of the said period as follows, that is to say

No.	Principal.	Interest.	Total.	Year.
1.	\$1,631 08	\$3,600 00	\$5,231 08	1921.
2.	1,728 95	3,502 13	5,231 08	1922.
3.	1,832 69	3,398 39	5,231 08	1923.
4.	1,942 63	3,288 45	5,231 08	1924.
5.	2,059 18	3,171 90	5,231 08	1925.
6.	2,182 73	3,048 35	5,231 08	1926.
7.	2,313 70	2,917 38	5,231 08	1927.
8.	2,452 52	2,778 56	5,231 08	1928.
9.	2,599 63	2,631 41	5,231 08	1929.
10.	2,755 65	2,475 43	5,231 08	1930.
11.	2,920 99	2,310 09	5,231 08	1931.
12.	3,096 26	2,134 82	5,231 08	1932.
13.	3,282 03	1,949 05	5,231 08	1933.
14.	3,478 96	1,752 12	5,231 08	1934.
15.	3,687 70	1,543 38	5,231 08	1935.
16.	3,908 96	1,322 12	5,231 08	1936.
17.	4,143 50	1,087 58	5,231 08	1937.
18.	4,392 16	838 92	5,231 08	1938.
19.	4,655 67	575 41	5,231 08	1939.
20.	4,935 01	296 07	5,231 08	1940.
	<hr/>			
	\$60,000 00			

And whereas it is necessary to authorize the Mayor and Treasurer to issue debentures as aforesaid;

Therefore the Corporation of the Town of Walkerville by the Council thereof enacts as follows:—

1. That for the purpose of paying the cost of the improvements and extensions in the street lighting system on the following streets, namely, Lincoln, Windermere, Seneca, Dacotah, Oneida, Walker, Turner and Kildare Road, the Mayor of the Town of Walkerville, shall be and he is hereby authorized and empowered to borrow from any person, company, society or bank willing to loan the same upon the credit of the debentures hereinafter mentioned, a sum not exceeding the sum of \$60,000.00 for the purpose of paying the cost of the work set out and enumerated in the preamble of this by-law, and to issue debentures up to the following amounts, that is to say:

For the sum of \$1,631.08 payable in the year 1921.
 For the sum of \$1,728.96 payable in the year 1922.
 For the sum of \$1,832.69 payable in the year 1923.
 For the sum of \$1,942.63 payable in the year 1924.
 For the sum of \$2,059.18 payable in the year 1925.
 For the sum of \$2,182.73 payable in the year 1926.
 For the sum of \$2,313.70 payable in the year 1927.
 For the sum of \$2,452.52 payable in the year 1928.
 For the sum of \$2,599.63 payable in the year 1929.
 For the sum of \$2,755.65 payable in the year 1930.
 For the sum of \$2,920.99 payable in the year 1931.
 For the sum of \$3,096.26 payable in the year 1932.
 For the sum of \$3,282.03 payable in the year 1933.
 For the sum of \$3,478.96 payable in the year 1934.
 For the sum of \$3,687.70 payable in the year 1935.
 For the sum of \$3,908.96 payable in the year 1936.
 For the sum of \$4,143.50 payable in the year 1937.
 For the sum of \$4,392.16 payable in the year 1938.
 For the sum of \$4,655.67 payable in the year 1939.
 For the sum of \$4,935.01 payable in the year 1940.

2. That the said debentures shall be sealed with the seal of the corporation and signed by the said mayor and the treasurer of the said town and be payable on the fourteenth day of the month of December in the year in which the same respectively under the preceding section becomes due and may be made payable at any place or places in Canada or Great Britain and that the debentures as to both principal and interest may be expressed in Canadian currency.

3. That the debentures shall have coupons attached thereto for the payment of interest which shall be at and of the rate of six per cent. per annum and be payable at any place or places in Canada or Great Britain on the fourteenth day of the month of December in each year during the currency of the said debentures and the first of said coupons being payable on the fourteenth day of December, 1921. The Treasurer of the Corporation shall sign the coupons or his signature may be lithographed or printed thereon.

4. That for the purpose of redeeming the said debentures and paying the interest thereon as the same respectively becomes due, an annual special rate over and above and in addition to all other rates sufficient to produce the sum of \$5,231.08 shall be raised, levied and collected in each and every year during the currency of the said debentures upon all the rateable property of the municipality which special rate shall be levied and collected at the same time, in the same manner and with the same powers as the other rates of the municipality are levied and collected.

5. That the borrowed money as aforesaid shall be applied in payment of the cost of the said work, and for no other purpose whatever.

Read the first time April 12th, 1921.

Read the second time April 12th, 1921.

Provisionally passed April 12th, 1921.

Passed May 23rd, 1921.

(Sgd.)

C. J. STODGELL,
Mayor.

SCHEDULE "D"

TOWN OF WALKERVILLE.

BY-LAW No. 852.

A by-law to provide for borrowing the sum of \$75,000.00 by the issue of debentures to pay for the cost of concrete sidewalks on Victoria, Turner, Seneca, Kildare, Windermere, Walker, Vimy, Iroquois, Dacotah, Oneida and Seminole Streets;

And whereas concrete sidewalks are necessary upon Victoria, Turner, Seneca, Kildare, Windermere, Walker, Vimy, Iroquois, Dacotah, Oneida and Seminole Streets;

And whereas it is considered desirable and necessary to borrow the said sum of \$75,000.00 on the credit of the Corporation and to issue fifteen year debentures therefor bearing interest at the rate of six per cent. per annum, which is the amount of the debt intended to be created by this by-law and is within the lifetime of the work;

And whereas it is expedient to make the principal of the said debt repayable in yearly sums during the period of fifteen years of such amounts respectively that the aggregate amount payable for the principal and interest in any year shall be equal as nearly as may be to the amount so payable for the principal and interest in each of the other years;

And whereas it will be necessary to raise annually the sum of \$7,722.21 during the period of fifteen years to pay the said yearly sums of principal and interest as they become due;

And whereas the amount of the whole rateable property of the Municipality according to the last revised Assessment Roll, is \$11,234,382.00.

And whereas the amount of the existing debenture debt of the Corporation (exclusive of local improvement debts, secured by special rates of assessment) is \$534,502.42.

And whereas it will require the sum of \$7,722.21 to be raised annually during the said period of fifteen years by a special rate, sufficient therefor over and above and in addition to all other rates upon all rateable property of the Municipality for the payment of the debt so to be created for the purpose aforesaid and the interest thereon annually at the rate of six per cent. per annum being for principal and interest in each year of the said period as follows: that is to say:—

No.	Principal	Interest	Total	Year.
1	\$3,222 21	\$4,500 00	\$7,722 21	1921.
2	3,415 53	4,306 68	7,722 21	1922.
3	3,620 47	4,101 74	7,722 21	1923.
4	3,837 70	3,884 51	7,722 21	1924.
5	4,067 96	3,654 25	7,722 21	1925.
6	4,312 04	3,410 17	7,722 21	1926.
7	4,570 76	3,151 45	7,722 21	1927.
8	4,845 00	2,877 21	7,722 21	1928.
9	5,135 72	2,586 49	7,722 21	1929.
10	5,443 85	2,278 36	7,722 21	1930.
11	5,770 48	1,951 73	7,722 21	1931.
12	6,116 72	1,605 49	7,722 21	1932.
13	6,483 72	1,238 49	7,722 21	1933.
14	6,872 74	849 47	7,722 21	1934.
15	7,285 10	437 11	7,722 21	1935.
<hr/>				
\$75,000 00				

And whereas it is necessary to authorize the Mayor and Treasurer to issue debentures as aforesaid;

Therefore, the Corporation of the Town of Walkerville, by the Council thereof, enacts as follows:—

1. That for the purpose of paying the cost of concrete sidewalks on Victoria, Turner, Seneca, Kildare, Windermere, Walker, Vimy, Iroquois, Dacotah, Oneida and Seminole Streets, the Mayor of the Town of Walkerville shall be and he is hereby authorized and empowered to borrow from any person, company, society or Bank willing to loan the same upon the credit of the debentures hereinafter mentioned, a sum not exceeding the sum of \$75,000.00 for the purpose of paying the cost of the work set out and enumerated in the preamble of this by-law and to issue debentures up to the following amounts, that is to say:—

For the sum of \$3,222.21 payable in the year 1921.
 For the sum of 3,415.53 payable in the year 1922.
 For the sum of 3,620.47 payable in the year 1923.
 For the sum of 3,837.70 payable in the year 1924.
 For the sum of 4,067.96 payable in the year 1925.
 For the sum of 4,312.04 payable in the year 1926.
 For the sum of 4,570.76 payable in the year 1927.
 For the sum of 4,845.00 payable in the year 1928.
 For the sum of 5,135.72 payable in the year 1929.
 For the sum of 5,443.85 payable in the year 1930.
 For the sum of 5,770.48 payable in the year 1931.
 For the sum of 6,116.72 payable in the year 1932.
 For the sum of 6,483.72 payable in the year 1933.
 For the sum of 6,872.74 payable in the year 1934.
 For the sum of 7,285.10 payable in the year 1935.

2. That the said debentures shall be sealed with the seal of the Corporation and signed by the said Mayor and the Treasurer of the said Town and be payable on the fourteenth day of the month of December, in the year in which the same respectively under the preceding section becomes due and may be made payable at any place or places in Canada or Great Britain and that the debentures as to both principal and interest may be expressed in Canadian currency.

3. That the debentures shall have coupons attached thereto for the payment of interest which shall be at and of the rate of six per cent. per annum and be payable at any place or places in Canada or Great Britain on the fourteenth day of the month of December, in each year during the currency of the said debentures and the first of said coupons being payable on the fourteenth day of December, 1921. The Treasurer shall sign the coupons or his signature lithographed or printed thereon.

4. That for the purpose of redeeming the said debentures and paying the interest thereon as the same respectively become due, an annual special rate over and above and in addition to all other rates sufficient to produce the sum of \$7,722.21 shall be raised, levied and collected in each and every year during the currency of the said debentures upon all the rateable property of the Municipality, which special rates shall be levied and collected at the same time, in the same manner and with the same powers as the other rates of the Municipality are levied and collected.

5. That the borrowed money as aforesaid shall be applied in payment of the cost of the said work, and for no other purpose whatsoever.

Read first time April 12th, 1921.

Read second time April 12th, 1921.

Provisionally passed April 12th, 1921.

Passed May 23rd, 1921.

(Sgd.)

C. J. STODGELL,

Mayor.

A. E. COCK,

Clerk.

SCHEDULE "E"

BY-LAW NUMBER 846.

OF THE TOWN OF WALKERVILLE.

A by-law to provide for borrowing \$100,000.00 under the provisions of Section 4 (1) of *The Municipal Housing Act, 1920*.

Whereas by virtue and in pursuance of *The Municipal Housing Act, 1920*, the Municipal Council of the Town of Walkerville did on the eighth day of June, 1920, pass a by-law declaring that the said Act shall apply to said Municipality.

And whereas a Housing Commission of this Municipality has been duly appointed.

And whereas the Municipal Corporation desires to borrow the sum of \$100,000.00, to be expended or loaned under the provisions of the said Act.

And whereas it is expedient to borrow the said sum, and to issue debentures therefor bearing interest at the rate of six per centum per annum, the proceeds of the said Debentures to be applied in the manner and as provided for in the said Act.

And whereas it is expedient to provide that the said loan shall be repayable in yearly sums during the period of twenty years of such an amount respectively that the aggregate amount payable for principal and interest in any year shall be equal, as nearly as may be, to the amount so payable for principal and interest in each of the other years.

And whereas it will be necessary to raise annually the sum of \$8,718.46, during the said period of twenty years for the payment of the said yearly sums of principal and interest as they shall become due.

And whereas the Director of the Bureau of Municipal Affairs has approved of the Municipal Corporation borrowing the said sum of \$100,000.00.

And whereas the whole rateable property of the Municipality according to the last revised assessment roll is \$11,234,382.00.

And whereas the amount of the existing debenture debt of the Corporation, exclusive of local improvement debts, secured by special rates of assessment is \$534,502.42, and no part of the principal or interest is in arrear.

Therefore the Municipal Council of the Town of Walkerville enacts as follows:—

1. That for the purpose aforesaid there shall be borrowed on the credit of the Corporation \$100,000.00, and debentures shall be issued therefor in sums of not less than \$50.00 each, bearing interest at the rate of six per centum per annum, payable semi-annually.

2. The debentures shall all bear the same date and shall be issued within two years after the date on which this By-law is passed and may bear any date within such two years, and shall be payable within twenty years, together with interest at the rate aforesaid at the times and in the manner shown in the following schedule, and the respective amounts of principal and interest payable in each of such years shall be as follows:

No.	Principal	Interest	Total
1	\$2,718 46	\$6,000 00	\$8,718 46
2	2,881 57	5,836 89	8,718 46
3	3,054 46	5,664 00	8,718 46
4	3,237 70	5,480 76	8,718 46
5	3,431 97	5,286 49	8,718 46
6	3,637 89	5,080 57	8,718 46
7	3,856 16	4,862 30	8,718 46
8	4,087 54	4,630 92	8,718 46
9	4,332 79	4,385 67	8,718 46
10	4,592 76	4,125 70	8,718 46
11	4,868 33	3,850 13	8,718 46
12	5,160 44	3,558 02	8,718 46
13	5,470 07	3,248 39	8,718 46
14	5,798 27	2,920 19	8,718 46
15	6,146 17	2,572 29	8,718 46
16	6,514 94	2,203 52	8,718 46
17	6,905 85	1,812 61	8,718 46
18	7,320 19	1,398 27	8,718 46
19	7,759 43	959 03	8,718 46
20	8,225 00	493 46	8,718 46
	\$100,000 00		

3. The debentures as to both principal and interest may be expressed in Canadian currency, and may be payable at any place or places in Canada.

4. The said debentures shall have coupons annexed thereto for the payment of the interest, which coupons shall be signed by the Treasurer of the Corporation, or his signature printed or lithographed thereon and the said coupons shall be payable on the fourteenth day of June, and the fourteenth day of December in each of the years in which the same respectively become due.

5. The Mayor of the Corporation shall sign and issue the debentures, and the same shall also be signed by the Treasurer of the Corporation, and the Debentures shall be sealed with the seal of the Corporation, and shall be payable on the fourteenth day of the month of December, in the year in which the same respectively become due.

6. During the currency of the said debentures there shall be raised annually by special rate on all rateable property within the Town of Walkerville, for the payment of the said debt and the interest thereon, the sum of \$8,718.46.

This By-law shall come into effect on the day of the final passing thereof.

Passed this 8th day of March, 1921.

(Sgd.)

C. J. STODGELL,

Mayor.

A. E. COOK,

Clerk.

SCHEDULE "F"

By-Law No. 886.

OF THE TOWN OF WALKERVILLE.

By-law to amend by-law number 846 providing for the borrowing the sum of One Hundred Thousand dollars (\$100,000.00) under the provisions of *The Municipal Housing Act, 1920*.

Whereas the proposed expenditure authorized by said by-law No. 846 will extend over several years and it is undesirable to have large portions of money on hand and unused, and it is therefore necessary to make the debentures authorized by the said by-law issueable in sets instead of all at one time.

Therefore the Municipal Council of the Town of Walkerville enacts as follows:—

1. Paragraph six (6) of the preamble of by-law 846, a by-law providing for borrowing the sum of \$100,000.00 under *The Municipal Housing Act, 1920*, is hereby amended by striking out the first four lines thereof and substituting therefor the following:

And whereas it is desirable to issue the said debentures in five (5) sets of Twenty Thousand dollars (\$20,000.00) each, the first of such sets to be issued within two years from the date hereof. The last within five years from the date hereof. And it is necessary to raise annually the sum of \$1,743.69 during a period of twenty years for the payment of said yearly sums of principal and interest as they shall become due in respect of each of said sets or a total of \$8,718.45 in respect of the whole of the said sets.

2. By-law No. 846 providing for the borrowing of the sum of \$100,000.00 under the provisions of *The Municipal Housing Act, 1920*, is hereby amended by striking out section (2) thereof and substituting therefore the following:

The debentures shall be issued in five sets of Twenty Thousand dollars (\$20,000.00) each and all the debentures of each set shall the same date, and the first of said sets of debentures shall be issued within two years after the date on which this by-law is passed and may bear any date within such two years and the last of said sets shall be issued within five years after the date on which this by-law is passed, and any of the said sets except the first may bear any date within the five years accordingly and each of the said sets shall be payable within twenty years from the date thereof, together with interest at the rate aforesaid, at the times and in the manner shown in the following schedule, and the respective amounts of principal and interest payable in each of such years in respect of each of such sets shall be as follows:

No.	Principal.	Interest.	Total.
1	\$543 69	\$1,200 00	\$1,743 69
2	576 32	1,167 37	1,743 69
3	610 89	1,132 80	1,743 69
4	647 54	1,096 15	1,743 69
5	686 39	1,053 30	1,743 69
6	727 58	1,016 11	1,743 69
7	771 23	962 46	1,743 69
8	718 51	926 18	1,743 69
9	866 56	877 13	1,743 69
10	918 55	825 14	1,743 69
11	973 67	770 02	1,743 69
12	1,032 09	711 60	1,743 69
13	1,094 01	649 68	1,743 69
14	1,159 65	584 04	1,743 69
15	1,229 23	514 46	1,743 69
16	1,302 99	440 70	1,743 69
17	1,381 17	362 52	1,743 69
18	1,464 04	279 65	1,743 69
19	1,551 89	191 80	1,743 69
20	1,645 00	98 69	1,743 69
<hr/>			
\$20,000 00			

3. Section 6 of the said by-law is hereby amended by striking out the figures \$8,718.46 at the end thereof and substituting therefor the following \$1,743.69, in respect of each set issued or a total of \$8,718.45 in respect of the whole.

This By-law shall come into effect on the day of the final passing thereof.

Passed this 16th day of November, 1921.

Read 1st time November 16th 1921.

Read 2nd time November 16th 1921.

Read 3rd time November 16th 1921.

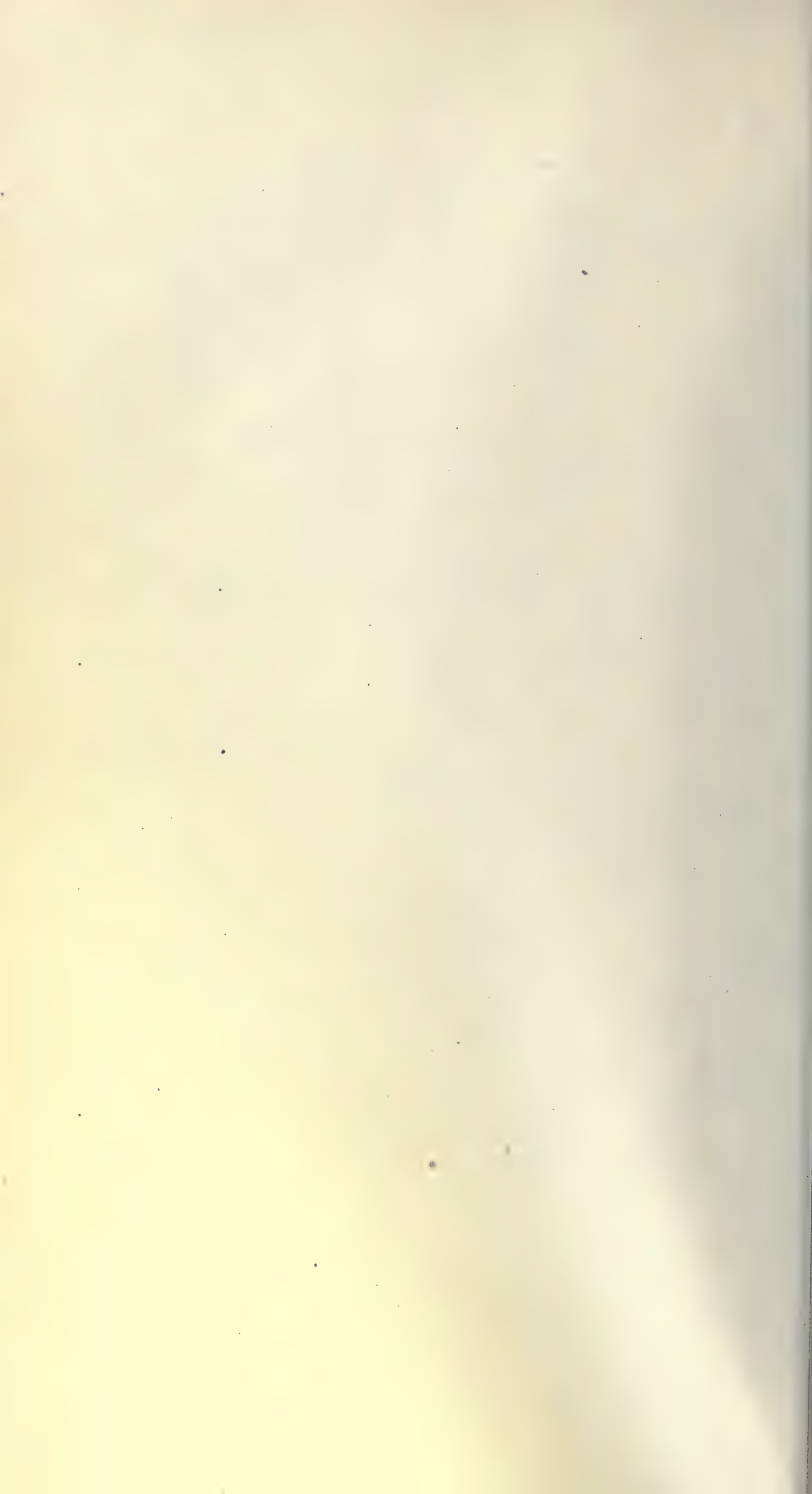
(Sgd.)

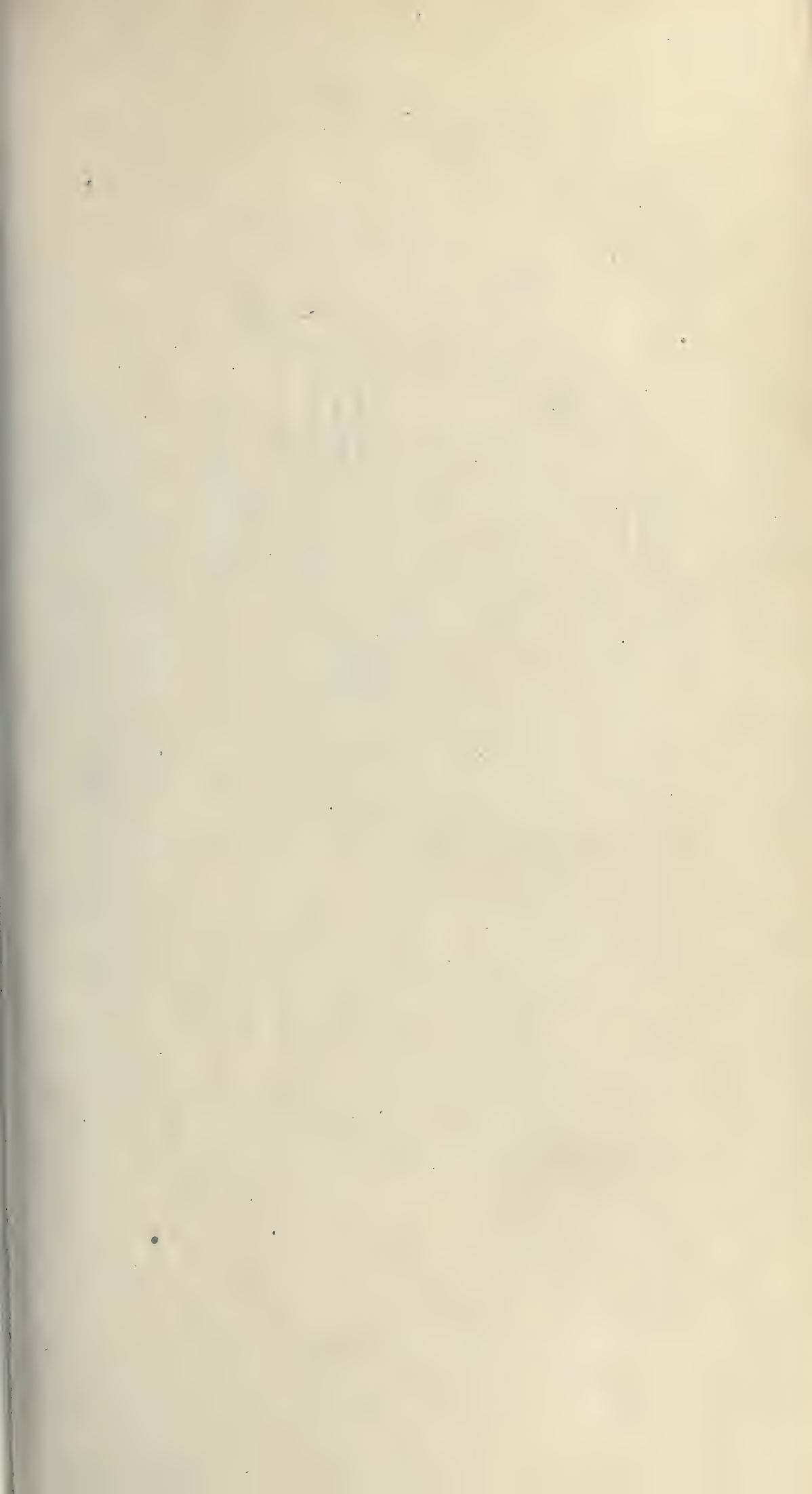
C. J. STODGELL,

Mayor.

A. E. COCK,

Clerk.





3rd. Session, 15th. Legislature,
12 George V, 1922.

BILL.

An Act respecting the Town of
Walkerville.

1st Reading,	1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Private Bill.*)

Mr. TOLMIE.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty

BILL

An Act respecting the Town of Walkerville.

WHEREAS the Corporation of the Town of Walkerville has by its petition represented that Harrington E. Walker, Hiram H. Walker and F. Caldwell Walker, individually and as executors and trustees of the estate of J. Harrington Walker, deceased, Margaret T. Walker, widow of said J. Harrington Walker, deceased, Mary Margaret Walker Small and Elizabeth T. Walker, children and residuary legatees and devisees of said J. Harrington Walker, deceased, May Walker, widow of Franklin H. Walker, deceased, and the Detroit Trust Company, as executors and trustees of the estate of said Franklin H. Walker, deceased, and Mary Griffin Walker, widow of Edward Chandler Walker, deceased did by agreement made the 14th day of February, 1921, agree to convey to the said Corporation of the Town of Walkerville the land and premises in the Town of Walkerville known as "Willistead" consisting of about fifteen and one half (15½) acres, to be used for public purposes on certain conditions set out in the said agreement, and did execute a conveyance in pursuance thereof dated May, 1921, containing conditions in regard to the preservation of the grounds and of the architectural design of the building, and that it is expedient that the said agreement entered into by the said municipal corporation to carry out the terms thereof should be declared legal and valid, and that the Corporation of the Town of Walkerville is entitled to accept and receive the conveyance of the said land and premises subject to the conditions contained therein, and should be empowered to carry out the same, and whereas the said Corporation of the Town of Walkerville has represented that in order to make full use of the said premises known as "Willistead" it is necessary to move to the said premises all the municipal offices from the various buildings in which they have been situated throughout the town, amongst them the Public Library, and for that purpose it is necessary to remodel part of the said building and to increase the staff, and that the

Preamble.

Rev. Stat.
c. 192.

1920 c. 84.

library rate at present chargeable under *The Municipal Act* will be insufficient to provide the money for said purpose and it is desirable to allow the same to be increased; and whereas by the Act passed in the sixth year of the reign of His Majesty King George V, chaptered 97, the Council of the Corporation of the Town of Walkerville was authorized to pass a by-law to keep the polls open in all elections until seven o'clock in the afternoon of the day of the election, and the council desires to be empowered to change the said hour by by-law and to hold the annual municipal elections on the second Monday of the month of December in each year: and whereas the Housing Commission of the Town of Walkerville after obtaining the proper approval under the provisions of *The Municipal Housing Act* did advance to the Border Housing Company certain money for the erection of one hundred (100) houses in the Town of Walkerville, and did take as security a mortgage which has fallen in default, and about seventy-two (72) of the said houses are unsold, and the debentures issued by the town for the said loan are payable within fifteen (15) years from the date thereof running concurrently with the sales of the houses by the said Border Housing Company, and owing to the present business depression a considerable loss will be made in the said houses but some may be saved by extending the period over which the terms of payment may run, and the council of the town desires to obtain further control over its housing commission and to be allowed to extend the terms of the payment for the said houses beyond the period of fifteen (15) years, and to issue debentures for such investment of principal as may be necessary to complete and pay the charges against the said houses; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Conveyance
E. Walker
between H.
et al and
Walkerville
declared valid
and binding.

1. The conveyance dated May, 1921, made in pursuance of the agreement dated the 14th day of February, 1921, between Harrington E. Walker and others to the Corporation of the Town of Walkerville as set out in Schedule "A" hereto, of the lands and premises in the said Town of Walkerville, known as "Willistead" is legal and valid and the Corporation of the Town of Walkerville has power to accept the same and carry out the conditions contained therein and the council of the said town may expend from the current funds such amounts as may be necessary to maintain and improve the said premises.

2. For the purpose of carrying out the conditions contained in the said agreement or conveyance, and for the purpose of improving or remodelling the buildings on the said lands, the Council of the Corporation of the Town of Walkerville may under the provisions of *The Municipal Act* agree for temporary advances and may borrow money by the issue of debentures, payable within not more than thirty (30) years from the time of the issue without the consent of the electors entitled to vote on money by-laws.

Power to borrow money on debentures for improvement of premises without assent of electors.

Rev. Stat. c. 192.

3. The Council of the Town of Walkerville instead of the rate authorized by subsection 1 of section 2 of *The Public Libraries Act* and in addition to all other rates and assessments levied and assessed for municipal purposes may levy and assess in each year a special rate to be called the "Public Library rate" sufficient to provide the amount estimated by the Public Library Board, but such rate shall not exceed one mill on the dollar of assessment.

Power to levy special "Public Library rate." 1920 c. 69.

4. The Council of the Corporation of the Town of Walkerville shall hold the meeting of the electors for the nomination of candidates for mayor, councillors, public school trustees and commissioners, annually at ten o'clock in the forenoon of the first Monday in December instead of at the time provided in *The Municipal Act*, at the municipal building in the Town of Walkerville or at such place therein as may from time to time be fixed by by-law, and in case a poll is required it shall be held on the second Monday in December thereafter.

Date of holding nomination and elections.

Rev. Stat. c. 192.

5. The time for holding the meeting and closing the financial statement under subsection 9 of section 237 of *The Municipal Act* in the Town of Walkerville shall be the 1st day of December, and the day for posting up or delivering under subsection 11 and 12 of said section shall be the 7th day of December.

Date of holding meetings, etc., required by Rev. Stat. c. 192, s. 237.

6. The houses erected on the lands set out in Schedule "B" hereto by the Border Housing Company and mortgaged to the Housing Commission of the Town of Walkerville may, notwithstanding the provisions of *The Municipal Housing Act, 1920*, with the approval of the director of the Bureau of Municipal Affairs, be sold at such prices as may

Sale of houses erected by Border Housing Company terms of payment. 1920, c. 84.

be obtainable and the payments thereof may extend over a period or not greater than 20 years from the date of sale, or they may be rented or leased from time to time with the approval of such Director and the Council of the said Town may advance to the Housing Commission from the current funds the money required from time to time for maintenance or repairs.

Power to borrow money and issue debentures to meet debentures issued under 1920, c. 84.

7. The Council of the Corporation of the Town of Walkerville may under the provisions of *The Municipal Act* agree for temporary advances and may in each of the years from 1922 to 1936 inclusive, with the approval of such Director borrow money by the issue of debentures without the assent of the electors qualified to vote on money by-laws, bearing such rate of interest as the Council may determine, the last instalment of each of which shall fall due not later than the year 1941, to provide for the annual difference in the rate necessary to be levied to pay the debentures for the sum of \$300,000 issued under *The Municipal Housing Act, 1920*, and By-law Number 812 of the said Town in twenty years instead of fifteen years. A copy of said By-law is set out in Schedule "E" hereto.

Removal and appointment of Housing Commissioners by Council.

8. The members of the Housing Commission of the Town of Walkerville other than the head of the Council may, with the approval of such Director, be removed from office by resolution of the said Council at any time and the said Council shall appoint a new member or members to complete the term of the member or members so removed.

By-law No. 853 confirmed.

9. By-law Number 853 of the Corporation of the Town of Walkerville, passed on the 23rd day of May, 1921, authorizing the issue of debentures for the sum of \$60,000 set forth in schedule "C" to this Act to pay for the cost of the improvement to a street lighting system and extensions on certain streets, and the debentures issued thereunder are hereby ratified and confirmed and are declared to be legal and valid.

By-law No. 852 confirmed.

10. By-law Number 852 of the Corporation of the Town of Walkerville, passed on the 23rd day of May, 1921, authorizing the issue of debentures for the sum of \$75,000 set forth in schedule "D" to this Act to pay for the cost of a concrete sidewalk on certain streets, and the debentures issued thereunder are hereby ratified and confirmed and are declared to be legal and valid.

5.



11. This Act shall come into force on the day upon ^{Commence-}
which it receives the Royal Assent. _{ment of Act.}



SCHEDULE "A."

This Indenture made (in duplicate) the day of May, one thousand nine hundred and twenty-one, in pursuance of *The Short Forms of Conveyances Act*.

Between:

Harrington E. Walker, Hiram H. Walker and F. Caldwell Walker in their personal capacities and as executors and trustees of the estate of J. Harrington Walker deceased, Margaret T. Walker widow of said J. Harrington Walker, Mary Margaret Walker Small and Elizabeth T. Walker, children and residuary legatees and devisees of said J. Harrington Walker National Trust Company Limited, as administrator in Ontario of the estate of Franklin H. Walker, deceased and as executor and trustee of the estate of Edward Chandler Walker deceased, May Walker widow of the said Franklin H. Walker and Mary Emma Griffin Walker widow of the said Edward Chandler Walker hereinafter called the "Grantors" of the first part;

and

The Corporation of the Town of Walkerville, hereinafter called the "Grantee," of the other part;

Witnesseth:

That in pursuance of a certain agreement entered into by the parties hereto, and bearing date February, 1921, and in consideration of the undertakings and agreements therein and herein contained on the part of the grantee to be observed and performed, the grantors according to their several estates and interests do hereby grant and release unto the said grantee in fee simple all and singular that certain parcel or tract of land and premises situate, lying and being in the Town of Walkerville, in the Province of Ontario known as "Willistead," being composed of all that part of lots numbers ninety-four (94) and ninety-five (95) (McNiff's Survey) bounded on the east by Devonshire Road on the north by Niagara Street, on the south by Huron Street and on the west by Victoria Road, the said lands being more particularly described in two certain deeds of conveyance made by Charles Louis Chilver and the Walkerville Land & Building Company, Limited to the late Edward Chandler Walker, registered in the Registry Office for the County of Essex as numbers 701 and 1049 for the town of Walkerville; to have and to hold for certain public purposes, subject nevertheless to the reservations, limitations, provisos and conditions expressed in the original grant thereof from the Crown, and to the said undertaking and agreements;

And the grantee hereby covenants and agrees with the grantors, individually and collectively, that the grantee will keep and maintain the said lands perpetually for public purposes, the same to be known as "Willistead Park," that due and proper care will be taken of the trees and shrubs therein; and that the fence around the said lands will be properly kept and maintained during the period of its natural life, or such other period as the necessities of the grantee will permit; that within five years from the date hereof, the grantee will, at its own expense, remodel the residence and other buildings on the said lands so far as remodelling may be necessary for the public purposes for which the same may be used, said remodelling to be in accordance with plans to be submitted and approved by the said Harrington W. Walker, Hiram H. Walker and F. Caldwell Walker and the survivors or survivor; and that a suitable portion of the said residence, after such remodelling shall be set apart and used for public library purposes, the said public library to be known as "Willistead Library;"

And that it will not alter or permit to be altered, the exterior of the said residence so as to mar or injure in any way the general architectural design thereof; and that it will not make or permit any substantial structural alteration in any of the said buildings or premises without the approval first had and obtained of the Ontario Association of Architects, and that it will not erect or permit to be erected, any building or structure on the said lands without the approval first had and obtained of the said Association

Provided that nothing in these presents contained shall be con-

strued to prevent the use of a portion of the buliding on said premises for lecture purposes and meetings of any kind regarding matters of public interest.

In witness whereof the parties hereto have hereunto set their hands and seals.

Signed sealed and delivered
in the presence of

(Sgd.) GUS. BENFIELD.

(Sgd.) CHAS. E. HILTON.

(Sgd.) GUD. BENFIELD.

(Sgd.) GUS. BENFIELD.

(Sgd.) G. M. FAVRE.

(Sgd.) J. H. COLBURN.

(Sgd.) HARRINGTON E. WALKER. LS

(Sgd.) HIRAM H. WALKER. LS

(Sgd.) MAY WALKER. LS

(Sgd.) F. CALDWELL WALKER. LS

(Sgd.) MARY MARGARET SMALL. LS

(Sgd.) MARGARET T. WALKER. LS

(Sgd.) ELIZABETH T. WALKER. LS

(Sgd.) MARY E. G. WALKER. LS

NATIONAL TRUST COMPANY, LIMITED,

By (Sgd.) H. MEREDITH, *Vice-President.*

By (Sgd.) C. H. MACGUIRE, *Asst. Secretary.*

(Corporate Seal)

THE CORPORATION OF THE TOWN OF WALKERVILLE

By (Sgd.) CHAS. J. STODGELL, *Mayor.*

By (Sgd.) A. E. COCK, *Clerk.*

(Corporate Seal)

Approved for execution by N. T. Co.,

(Sgd.) N. M. JENNINGS.

I certify that the within paper writing is a true and correct copy of an original instrument duly entered and registered in the Registry Office for the Registry Division of the County of Essex, in Book No. I for the Town of Walkerville, at 10.15 o'clock A.M. of the 9th day of September A.D. 1921, as No. 6193. Witness my hand and seal this 31st day of January A.D. 1922.

(Sgd.) THOS. E. GREEN,

Deputy Registrar.

8.

SCHEDULE "B"

All and singular those certain parcels or tracts of land and premises, situate, lying and being in the Town of Walkerville, in the County of Essex, and Province of Ontario, and being composed of Firstly, lots numbers 153, 154, 155, 156, 157, 158, 159, 160, 161, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, on the east side of Turner Road, and lots numbers 214, 215, 216, 217, 218, 219, 220, 221, 222, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 253, 254, 255, 256, 257, 258, 259, 260, on the west side of Turner Road, according to plan registered in the Registry Office of the Registry Division of the County of Essex as number 951, for the Town of Walkerville, and Secondly, lots numbers 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, on the east side of Windermere Road, and lots numbers 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, on the west side of Windermere Road according to plan registered in the Registry Office for the Registry Division of the County of Essex as number 949 for the Town of Walkerville.

SCHEDULE "C"

By-LAW No. 853.

OF THE TOWN OF WALKERVILLE

A by-law to provide for borrowing the sum of \$60,000.00 by the issue of debentures to pay for the cost of improvement to the street lighting system and of extensions on the following streets, namely: Lincoln, Windermere, Seneca, Dacotah, Oneida, Walker, Turner and Kildare Rd.

And whereas it is deemed necessary to provide the sum of \$60,000.00 necessary for improvements and for extensions in the street lighting system, the lifetime of the said improvements and extensions being twenty years and over.

And whereas it is considered desirable and necessary to borrow the said sum of \$60,000.00 on the credit of the Corporation, and to issue twenty year debentures therefor bearing interest at the rate of six per cent. per annum, which is the amount of the debt intended to be created by this by-law and is within the lifetime of the work.

And whereas it is expedient to make the principal of the said debt repayable in yearly sums during the period of twenty years of such amounts respectively that the aggregate amount payable for the principal and interest in any year shall be equal as nearly as may be to the amount so payable for the principal and interest in each of the other years.

And whereas it will be necessary to raise annually the sum of \$5,231.08 during the period of twenty years to pay the said yearly sums of principal and interest as they become due.

And whereas the amount of the whole rateable property of the municipality according to the last revised assessment roll is \$11,234,382.00.

And whereas the amount of the existing debenture debt of the corporation (exclusive of local improvement debts, secured by special rates of assessment) is \$534,502.42.

And whereas it will require the sum of \$5,231.08 to be raised annually during the said period of twenty years by a special rate sufficient therefor over and above and in addition to all other rates upon all rateable property of the municipality for the payment of the debt so to be created for the purpose aforesaid, and interest thereon annually at the rate of six per cent. per annum being for principal and interest in each year of the said period as follows, that is to say

No.	Principal.	Interest.	Total.	Year.
1.	\$1,631 08	\$3,600 00	\$5,231 08	1921.
2.	1,728 95	3,502 13	5,231 08	1922.
3.	1,832 69	3,398 39	5,231 08	1923.
4.	1,942 63	3,288 45	5,231 08	1924.
5.	2,059 18	3,171 90	5,231 08	1925.
6.	2,182 73	3,048 35	5,231 08	1926.
7.	2,313 70	2,917 38	5,231 08	1927.
8.	2,452 52	2,778 56	5,231 08	1928.
9.	2,599 63	2,631 41	5,231 08	1929.
10.	2,755 65	2,475 43	5,231 08	1930.
11.	2,920 99	2,310 09	5,231 08	1931.
12.	3,096 26	2,134 82	5,231 08	1932.
13.	3,282 03	1,949 05	5,231 08	1933.
14.	3,478 96	1,752 12	5,231 08	1934.
15.	3,687 70	1,543 38	5,231 08	1935.
16.	3,908 96	1,322 12	5,231 08	1936.
17.	4,143 50	1,087 58	5,231 08	1937.
18.	4,392 16	838 92	5,231 08	1938.
19.	4,655 67	575 41	5,231 08	1939.
20.	4,935 01	296 07	5,231 08	1940.
	<u>\$60,000 00</u>			

And whereas it is necessary to authorize the Mayor and Treasurer to issue debentures as aforesaid;

Therefore the Corporation of the Town of Walkerville by the Council thereof enacts as follows:—

1. That for the purpose of paying the cost of the improvements and extensions in the street lighting system on the following streets, namely, Lincoln, Windermere, Seneca, Dacotah, Oneida, Walker, Turner and Kildare Road, the Mayor of the Town of Walkerville, shall be and he is hereby authorized and empowered to borrow from any person, company, society or bank willing to loan the same upon the credit of the debentures hereinafter mentioned, a sum not exceeding the sum of \$60,000.00 for the purpose of paying the cost of the work set out and enumerated in the preamble of this by-law, and to issue debentures up to the following amounts, that is to say:

For the sum of \$1,631.08 payable in the year 1921.
 For the sum of \$1,728.96 payable in the year 1922.
 For the sum of \$1,832.69 payable in the year 1923.
 For the sum of \$1,942.63 payable in the year 1924.
 For the sum of \$2,059.18 payable in the year 1925.
 For the sum of \$2,182.73 payable in the year 1926.
 For the sum of \$2,313.70 payable in the year 1927.
 For the sum of \$2,452.52 payable in the year 1928.
 For the sum of \$2,599.63 payable in the year 1929.
 For the sum of \$2,755.65 payable in the year 1930.
 For the sum of \$2,920.99 payable in the year 1931.
 For the sum of \$3,096.26 payable in the year 1932.
 For the sum of \$3,282.03 payable in the year 1933.
 For the sum of \$3,478.96 payable in the year 1934.
 For the sum of \$3,687.70 payable in the year 1935.
 For the sum of \$3,908.96 payable in the year 1936.
 For the sum of \$4,143.50 payable in the year 1937.
 For the sum of \$4,392.16 payable in the year 1938.
 For the sum of \$4,655.67 payable in the year 1939.
 For the sum of \$4,935.01 payable in the year 1940.

2. That the said debentures shall be sealed with the seal of the corporation and signed by the said mayor and the treasurer of the said town and be payable on the fourteenth day of the month of December in the year in which the same respectively under the preceding section becomes due and may be made payable at any place or places in Canada or Great Britain and that the debentures as to both principal and interest may be expressed in Canadian currency.

3. That the debentures shall have coupons attached thereto for the payment of interest which shall be at and of the rate of six per cent. per annum and be payable at any place or places in Canada or Great Britain on the fourteenth day of the month of December in each year during the currency of the said debentures and the first of said coupons being payable on the fourteenth day of December, 1921. The Treasurer of the Corporation shall sign the coupons or his signature may be lithographed or printed thereon.

4. That for the purpose of redeeming the said debentures and paying the interest thereon as the same respectively becomes due, an annual special rate over and above and in addition to all other rates sufficient to produce the sum of \$5,231.08 shall be raised, levied and collected in each and every year during the currency of the said debentures upon all the rateable property of the municipality which special rate shall be levied and collected at the same time, in the same manner and with the same powers as the other rates of the municipality are levied and collected.

5. That the borrowed money as aforesaid shall be applied in payment of the cost of the said work, and for no other purpose whatever.

Read the first time April 12th, 1921.

Read the second time April 12th, 1921.

Provisionally passed April 12th, 1921.

Passed May 23rd, 1921.

(Sgd.)

C. J. STODGELL,

Mayor.

SCHEDULE "D"

TOWN OF WALKERVILLE.

By-Law No. 852.

A by-law to provide for borrowing the sum of \$75,000.00 by the issue of debentures to pay for the cost of concrete sidewalks on Victoria, Turner, Seneca, Kildare, Windermere, Walker, Vimy, Iroquois, Dacotah, Oneida and Seminole Streets;

And whereas concrete sidewalks are necessary upon Victoria, Turner, Seneca, Kildare, Windermere, Walker, Vimy, Iroquois, Dacotah, Oneida and Seminole Streets;

And whereas it is considered desirable and necessary to borrow the said sum of \$75,000.00 on the credit of the Corporation and to issue fifteen year debentures therefor bearing interest at the rate of six per cent. per annum, which is the amount of the debt intended to be created by this by-law and is within the lifetime of the work;

And whereas it is expedient to make the principal of the said debt repayable in yearly sums during the period of fifteen years of such amounts respectively that the aggregate amount payable for the principal and interest in any year shall be equal as nearly as may be to the amount so payable for the principal and interest in each of the other years;

And whereas it will be necessary to raise annually the sum of \$7,722.21 during the period of fifteen years to pay the said yearly sums of principal and interest as they become due;

And whereas the amount of the whole rateable property of the Municipality according to the last revised Assessment Roll, is \$11,234,382.00.

And whereas the amount of the existing debenture debt of the Corporation (exclusive of local improvement debts, secured by special rates of assessment) is \$534,502.42.

And whereas it will require the sum of \$7,722.21 to be raised annually during the said period of fifteen years by a special rate, sufficient therefor over and above and in addition to all other rates upon all rateable property of the Municipality for the payment of the debt so to be created for the purpose aforesaid and the interest thereon annually at the rate of six per cent. per annum being for principal and interest in each year of the said period as follows: that is to say:—

No.	Principal	Interest	Total	Year.
1	\$3,222 21	\$4,500 00	\$7,722 21	1921.
2	3,415 53	4,306 68	7,722 21	1922.
3	3,620 47	4,101 74	7,722 21	1923.
4	3,837 70	3,884 51	7,722 21	1924.
5	4,067 96	3,654 25	7,722 21	1925.
6	4,312 04	3,410 17	7,722 21	1926.
7	4,570 76	3,151 45	7,722 21	1927.
8	4,845 00	2,877 21	7,722 21	1928.
9	5,135 72	2,586 49	7,722 21	1929.
10	5,443 85	2,278 36	7,722 21	1930.
11	5,770 48	1,951 73	7,722 21	1931.
12	6,116 72	1,605 49	7,722 21	1932.
13	6,483 72	1,238 49	7,722 21	1933.
14	6,872 74	849 47	7,722 21	1934.
15	7,285 10	437 11	7,722 21	1935.
		<hr/>		
		\$75,000 00		

And whereas it is necessary to authorize the Mayor and Treasurer to issue debentures as aforesaid;

Therefore, the Corporation of the Town of Walkerville, by the Council thereof, enacts as follows:—

1. That for the purpose of paying the cost of concrete sidewalks on Victoria, Turner, Seneca, Kildare, Windermere, Walker, Vimy, Iroquois, Dacotah, Oneida and Seminole Streets, the Mayor of the Town of Walkerville shall be and he is hereby authorized and empowered to borrow from any person, company, society or Bank willing to loan the same upon the credit of the debentures hereinafter mentioned, a sum not exceeding the sum of \$75,000.00 for the purpose of paying the cost of the work set out and enumerated in the preamble of this by-law and to issue debentures up to the following amounts, that is to say:—

For the sum of \$3,222.21 payable in the year 1921.
 For the sum of 3,415.53 payable in the year 1922.
 For the sum of 3,620.47 payable in the year 1923.
 For the sum of 3,837.70 payable in the year 1924.
 For the sum of 4,067.96 payable in the year 1925.
 For the sum of 4,312.04 payable in the year 1926.
 For the sum of 4,570.76 payable in the year 1927.
 For the sum of 4,845.00 payable in the year 1928.
 For the sum of 5,135.72 payable in the year 1929.
 For the sum of 5,443.85 payable in the year 1930.
 For the sum of 5,770.48 payable in the year 1931.
 For the sum of 6,116.72 payable in the year 1932.
 For the sum of 6,483.72 payable in the year 1933.
 For the sum of 6,872.74 payable in the year 1934.
 For the sum of 7,285.10 payable in the year 1935.

2. That the said debentures shall be sealed with the seal of the Corporation and signed by the said Mayor and the Treasurer of the said Town and be payable on the fourteenth day of the month of December, in the year in which the same respectively under the preceding section becomes due and may be made payable at any place or places in Canada or Great Britain and that the debentures as to both principal and interest may be expressed in Canadian currency.

3. That the debentures shall have coupons attached thereto for the payment of interest which shall be at and of the rate of six per cent. per annum and be payable at any place or places in Canada or Great Britain on the fourteenth day of the month of December, in each year during the currency of the said debentures and the first of said coupons being payable on the fourteenth day of December, 1921. The Treasurer shall sign the coupons or his signature lithographed or printed thereon.

4. That for the purpose of redeeming the said debentures and paying the interest thereon as the same respectively become due, an annual special rate over and above and in addition to all other rates sufficient to produce the sum of \$7,722.21 shall be raised, levied and collected in each and every year during the currency of the said debentures upon all the rateable property of the Municipality, which special rates shall be levied and collected at the same time, in the same manner and with the same powers as the other rates of the Municipality are levied and collected.

5. That the borrowed money as aforesaid shall be applied in payment of the cost of the said work, and for no other purpose whatsoever.

Read first time April 12th, 1921.

Read second time April 12th, 1921.

Provisionally passed April 12th, 1921.

Passed May 23rd, 1921.

(Sgd.)

C. J. STODGELL,

Mayor.

A. E. COCK,

Clerk.



SCHEDULE "E"

BY-LAW No.

OF THE TOWN OF WALKERVILLE

A By-law to provide for borrowing \$400,000 under the provisions of section 4 (1) of "*The Municipal Housing Act, 1920.*"

Whereas by virtue and in pursuance of *The Municipal Housing Act, 1920*, the Municipal Council of the Town of Walkerville did, on the eighth day of June, 1920, pass a by-law declaring that said Act shall apply to said Municipality.

And whereas a Housing Commission of this Municipality has been duly appointed.

And whereas the Municipal Corporation desires to borrow the sum of \$400,000 to be expended or loaned under the provisions of the said Act.

And whereas it is expedient to borrow the said sum and to issue debentures therefor bearing interest at the rate of six per centum per annum, the proceeds of the said debentures to be applied in the manner and as provided for in the said Act.

And whereas it is expedient to provide that the said loan shall be repayable in yearly sums during the period of fifteen years of such an amount respectively that the aggregate amount payable for principle and interest in any year shall be equal, as nearly as may be, to the amount so payable for principal and interest in each of the other years.

And whereas it will be necessary to raise annually the sum of \$41,185.10 during the said period of fifteen years for the payment of the said yearly sums of principal and interest as they shall become due.

And whereas the Director of the Bureau of Municipal Affairs has approved of the Municipal Corporation borrowing the said sum of \$400,000.

And whereas the whole rateable property of the Municipality according to the last revised assessment roll is \$3,607,310.00.

And whereas the amount of the existing debenture debt of the Corporation (exclusive of local improvement debts, secured by special rates or assessment) is \$607,863.00 and no part of the principle or interest is in arrear.

Therefore the Municipal Council of the Town of Walkerville enacts as follows:—

1. That for the purpose aforesaid, there shall be borrowed on the credit of the Corporation \$400,000.00 and debentures shall be issued therefor in sums of not less than \$500.00 each, bearing interest at the rate of six per centum per annum, payable semi-annually.

2. The debentures shall all bear the same date and shall be issued within two years after the date on which this By-law is passed, and may bear any date within such two years, and shall be payable within fifteen years from the date thereof, together with interest at the rate aforesaid at the times and in the manner shown in the following schedule, and the respective amounts of principle and interest payable in each of such years shall be as follows:—

Year	Principal	Interest	Total
1921	\$ 17,185 10	\$ 24,000 00	\$ 41,185 10
1922	18,216 21	22,968 89	41,185 10
1923	19,309 18	21,875 92	41,185 10
1924	20,467 74	20,717 36	41,185 10
1925	21,695 80	19,489 30	41,185 10
1926	22,997 55	18,187 55	41,185 10
1927	24,377 40	16,807 70	41,185 10
1928	25,840 04	15,345 06	41,185 10
1929	27,390 45	13,794 65	41,185 10
1930	29,033 88	12,151 22	41,185 10
1931	30,775 91	10,409 19	41,185 10
1932	32,622 46	8,562 64	41,185 10
1933	34,579 81	6,605 29	41,185 10
1934	36,654 60	4,530 50	41,185 10
1935	38,853 87	2,331 23	41,185 10
	<hr/> 400,000 00	<hr/> 217,776 50	

3. The debentures as to both principal and interest may be expressed in Canadian currency, or in Sterling money of Great Britain at the rate of one pound sterling for each four dollars and eighty-six and two-thirds cents, and may be payable at any place or places in Canada or Great Britain.

4 The said debentures shall have coupons thereto for the payment of the interest, which coupons shall be signed by the Treasurer of the Corporation, or his signature printed or lithographed thereon and the said coupons shall be payable on the fourteenth day of June and the fourteenth day of December in each of the years in which the same respectively become due.

5. The Mayor of the Corporation shall sign and issue the debentures, and the same shall also be signed by the Treasurer of the Corporation, and the debentures shall be sealed with the seal of the Corporation, and shall be payable on the 14th day of the month of December, in the year in which the same respectively become due.

6. During the currency of the said debentures, there shall be raised annually by special rate on all rateable property within the Town of Walkerville, for the payment of the said debt and the interest thereon, the sum of \$41,185.10.

This By-law shall come into effect on the day of the final passing thereof.

Passed this 14th day of September, 1920.

(Sgd.)

C. J. STODGELL,

Mayor.

A. E. COOK,

Clerk.

Seal

No. 17.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting the Town of
Walkerville.

1st Reading,	14th March. 1922.
2nd Reading,	1922.
3rd Reading,	1922.

*(Reprinted as amended by the Private
Bills Committee.)*

MR. TOLMIE.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Consolidated Essex Border Utilities Act.

WHEREAS the Essex Border Utilities Commission has Preamble.
by its petition represented that under the provisions 1921 c. 99.
of *The Consolidated Essex Border Utilities Act*, the Town
of Tecumseh, a Municipal Corporation constituted out of
part of the Township of Sandwich East, became auto-
matically included under the provisions of the said Act and
thereby was included within the Local Board of Health, and
that it is desirable to exclude for the time being, the said
Town from the provisions of the said Act; and whereas it
is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and con- 1921 c. 99,
s. 2, amended.
sent of the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. *The Consolidated Essex Border Utilities Act* is
amended by adding clause (n) and (o) to section 2 as
follows:—

(n) "Riverside" shall mean the Corporation of
the Town of Riverside.

(o) "Tecumseh" shall mean the Corporation of
the Town of Tecumseh.

2. Clause (h) of section 2 of the said Act is amended by 1921 c. 99,
s. 2, amended.
inserting after the words "Ford City" in the fourth line, the
word "Riverside," and by inserting after the word "and" in
the seventh line, the words "subject to the provisions of
section hereof.

3. Clause (g) of subsection 1 of section 3 is amended by 1921 c. 99,
s. 3 (1),
amended.
striking out the words "Reeve of Sandwich East," in the
first line and substituting therefor the words "Mayor of
Riverside" and by striking out the words "Sandwich East"
in the third line, and substituting therefor the word
"Riverside."

2.

1921 c. 99,
s. 3 (3),
amended.

4. Subsection 3 of section 3 is amended by inserting at the beginning thereof "subject to the provisions of section hereof."

1921 c. 99,
s. 28 (1),
amended.

5. Subsection 1 of section 28 is amended by adding after the word "Ford" in the fourth line the words "City, Riverside."

1921 c. 99,
s. 28 (4),
amended.

6. Clause (d) of subsection 4 of section 28 is amended by striking out the word and figures "section 14" in the first line thereof and substituting therefor the following: "subsection 3 of section 6."

1921 c. 99,
s. 3 (3),
amended.

7. Subsection 3 of section 3 is amended by adding thereto, clauses (a), (b) and (c) as follows:

Provisions of
1921 c. 99
not to apply
to Tecumseh.

(a) The provisions of *The Consolidated Border Utilities Act*, constituting the Town of Tecumseh, one of the border Municipalities, shall not apply to the Town of Tecumseh after the first day of January, 1922, nor shall the Town of Tecumseh be liable for the general expense of the Essex Border Utilities Commission or contribution for special works after said date, nor shall the Town thereafter be included in the Essex Border Utilities district.

Power of
Tecumseh by
by-law to
bring itself
under provi-
sions 1921 c.
99 again.

(b) The Council of the Town of Tecumseh may by by-law passed before the first day of November in any year, make all the provisions of *The Consolidated Essex Border Utilities Act* apply to the said Town or may except therefrom the provisions as to the Local Board of Health, but the said by-laws shall not take effect until the next first of January, after the passing thereof and thereafter the Town of Tecumseh shall constitute one of the Essex Border Utilities District and be entitled to elect a representative on the Commission as provided in subsection 3 of section 3 of said Act.

Liability of
Tecumseh for
obligations of
commission
before Jan. 1,
1922, not
affected.

(c) Nothing herein contained shall affect the liability of the Corporation of the Town of Tecumseh or the lands lying therein, for its share of the obligations of the Commission or of the Township of Sandwich East arising before the first day of January, 1922.

No. 18.

3rd. Session, 15th. Legislature,
12 George V, 1922.

BILL.

An Act to amend The Consolidated
Essex Border Utilities Act.

1st Reading	1922
2nd Reading	1922
3rd Reading	1922

(*Private Bill.*)

MR. TOLMIE.

TORONTO:
PRINTED BY A. T. WILGESS.
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Consolidated Essex Border Utilities Act.

WHEREAS the Essex Border Utilities Commission has ^{Preamble.}
by its petition represented that under the provisions ^{1921 c. 99.}
of *The Consolidated Essex Border Utilities Act*, the Town
of Tecumseh, a Municipal Corporation constituted out of
part of the Township of Sandwich East, became auto-
matically included under the provisions of the said Act and
thereby was included within the Local Board of Health, and
that it is desirable to exclude for the time being, the said
Town from the provisions of the said Act; and whereas it
is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and con- ^{1921 c. 99.}
sent of the Legislative Assembly of the Province of Ontario, ^{s. 2, amended.}
enacts as follows:—

1. *The Consolidated Essex Border Utilities Act* is
amended by adding clause (n) and (o) to section 2 as
follows:—

(n) "Riverside" shall mean the Corporation of
the Town of Riverside.

(o) "Tecumseh" shall mean the Corporation of
the Town of Tecumseh.

2. Clause (h) of section 2 of the said Act is amended by ^{1921 c. 99.}
inserting after the words "Ford City" in the fourth line, the ^{s. 2, amended.}
word "Riverside," and by inserting after the word "and" in
the seventh line, the words "subject to the provisions of
subsection 3 of section 3 hereof."

3. Clause (g) of subsection 1 of section 3 is amended by ^{1921 c. 99.}
striking out the words "Reeve of Sandwich East," in the ^{s. 3 (1),}
first line and substituting therefor the words "Mayor of ^{amended.}
Riverside" and by striking out the words "Sandwich East"
in the third line, and substituting therefor the word
"Riverside."

1921 c. 99,
s. 28 (1),
amended.

4. Subsection 1 of section 28 is amended by adding after the word "Ford" in the fourth line the words "City, Riverside."

1921 c. 99,
s. 28 (4),
amended.

5. Clause (d) of subsection 4 of section 28 is amended by striking out the word and figures "section 14" in the first line thereof and substituting therefor the following: "subsection 3 of section 6."

1921, c. 99,
s. 4, amended.

6. Section 4 is amended by striking out the word "elected" in the third line.

1921 c. 99,
s. 3 (3),
amended.

7. Subsection 3 of section 3 is amended by adding thereto, clauses (a), (b) and (c) as follows:

Provisions of
1921 c. 99
not to apply
to Tecumseh.

(a) The provisions of *The Consolidated Border Utilities Act*, constituting the Town of Tecumseh, one of the border Municipalities, shall not apply to the Town of Tecumseh after the first day of January, 1922, nor shall the Town of Tecumseh be liable for the general expense of the Essex Border Utilities Commission or contribution for special works after said date, nor shall the Town thereafter be included in the Essex Border Utilities district.

Power of
Tecumseh by
by-law to
bring itself
under provi-
sions 1921 c.
99 again.

(b) The Council of the Town of Tecumseh may by by-law passed before the first day of November in any year, make all the provisions of *The Consolidated Essex Border Utilities Act* apply to the said Town or may except therefrom the provisions as to the Local Board of Health, but the said by-laws shall not take effect until the next first of January, after the passing thereof and thereafter the Town of Tecumseh shall constitute one of the Essex Border Utilities District and be entitled to elect a representative on the Commission as provided in subsection 3 of section 3 of said Act.

Liability of
Tecumseh for
obligations of
commission
before Jan. 1,
1922, not
affected.

(c) Nothing herein contained shall affect the liability of the Corporation of the Town of Tecumseh or the lands lying therein, for its share of the obligations of the Commission or of the Township of Sandwich East arising before the first day of January, 1922.

No. 18.

3rd. Session, 15th. Legislature,
12 George V, 1922.

BILL.

An Act to amend The Consolidated
Essex Border Utilities Act.

1st Reading,	23rd February, 1922.
2nd Reading,	1922.
3rd Reading,	1922.

*(Reprinted as amended by the Private
Bills Committee.)*

MR. TOLMIE.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Town of Tecumseh.

WHEREAS the Corporation of the Town of Tecumseh Preamble.
has by its petition represented that the EauClaire
Water Works Company, Limited, has established a water
works plant for the purpose of pumping water from the
head of the Detroit River and supplying the same to the resi-
dents of the Town of Tecumseh and neighbourhood and has
agreed in writing to sell the said undertaking to the town,
and that a by-law to raise the purchase price by the issue
of debentures was approved by the electors of the said town
on the 2nd day of January, 1922; and whereas it is de-
sirable that the contract for the purchase of the said plant
be declared valid and the said Council be authorized to
carry the same out and to establish a Public Utilities Com-
mission; and whereas the whole of the Town of Tecumseh
containing more than 1,100 acres became automatically
subject to the provisions of *The Consolidated Essex Border* 1921 c. 99.
Utilities Act including the provisions therein as to the Local
Board of Health, and it is not desirable as a matter of
economy that the said town should for the present be sub-
ject to the provisions of the said Act; and whereas by the
Act passed in the Eleventh year of the Reign of His Majesty
King George V, chaptered 125, the School Section including
parts of Riverside and Sandwich East then existing was con-
tinued although the Corporation of the Town of Tecumseh
was constituted thereby and difficulty has arisen in regard
to the finances of the said section and the collection of taxes
which it is desirable to remove; and whereas upon the ad-
justment of the debts between the said Town of Tecumseh
and the Township of Sandwich East from which the said
town was separated a large amount of the debt of the Town-
ship of Sandwich East which should have been paid in part
out of the taxes collected for several years past will become
immediately due and payable to the said township and to
other persons, and the payment of this debt from the cur-
rent years taxes would be a very heavy burden upon the
tax payer and it is desirable that the said debts be consoli-
dated and the said town be authorized to raise money to
pay the same by the issue of debentures; and whereas it is
expedient to grant the prayer of the said petition;

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement
between muni-
cipality and
company
declared valid.

1. The agreement dated the 2nd day of February, 1922, made between the Corporation of the Town of Tecumseh and the EauClaire Water Works Company, Limited, as set out in Schedule "A" hereto is legal and valid.

By-law No.
24 declared
valid.

2. By-law No. 24, of the Corporation of the Town of Tecumseh, set forth in Schedule "B" hereto and the debentures issued or to be issued under the provisions of the said by-law are declared to be legal and valid and binding upon the said municipal corporation and the ratepayers thereof.

By-law No.
31 establish-
ing public
utilities com-
mission
declared valid.

3. By-law No. 31, as set out in Schedule "C" hereto to establish a Public Utilities Commission of the Town of Tecumseh providing for entrusting the control and management of the water works system to be purchased from the EauClaire Water Works Company, Limited, and of the Hydro-Electric System within the said town to the said commission is hereby declared to be legal and valid; the said commission may control and manage the said system under the provisions of *The Public Utilities Act*, and the Commissioners therein named shall hold office for the year 1922 only, and until their successors are elected at the next annual Municipal Election.

Rev. Stat.
c. 204.

1921 c. 99,
s. 2 amended.

4. *The Consolidated Essex Border Utilities Act* is amended by adding clauses (n) and (o) to section 2 as follows:—

(n) "Riverside" shall mean the Corporation of the Town of Riverside.

(o) "Tecumseh" shall mean the Corporation of the Town of Tecumseh.

1921 c. 99,
s. 2, amended.

5. Clause (h) of Section 2 of *The Consolidated Essex Border Utilities Act* is amended by inserting after the words "Ford City" in the fourth line the word "Riverside," and by inserting after the word "and" in the seventh line, the words "subject to the provisions of section hereof."

1921, c. 99,
s. 3 (1)
amended.

6. Clause (g) of subsection 1 of section 3 of *The Consolidated Essex Border Utilities Act* is amended by striking out the words "Reeve of Sandwich East," in the first line and substituting therefor the words "Mayor of Riverside" and by striking out the words "Sandwich East" in the third line, and substituting therefor the word "Riverside."

7. Subsection 1 of Section 28 of *The Consolidated Essex Border Utilities Act* is amended by adding after the word "Ford" in the fourth line the words "City, Riverside." 1921, c. 99, s. 28 (1) amended.

8. Subsection 3 of Section 3 of *The Consolidated Essex Border Utilities Act* is amended by adding thereto clauses (a), (b) and (c) as follows : 1921, c. 99, s. 3 (2) amended.

(a) The provisions of *The Consolidated Essex Border Utilities Act*, constituting the Town of Tecumseh, one of the Border Municipalities shall not apply to the Town of Tecumseh after the first day of January, 1922, nor shall the Town of Tecumseh be liable for the general expenses of the Essex Border Utilities Commission or contribution for special works after said date nor shall the said Town thereafter be included in the Essex Border Utilities district. Provisions of 1921, c. 99 not to apply to Tecumseh.

(b) The Council of the Town of Tecumseh may by by-law passed before the first day of November in any year make all the provisions of *The Consolidated Essex Border Utilities Act* apply to the said Town or may except therefrom the provisions as to the Local Board of Health, but the said by-laws shall not take effect until the next first of January after the passing thereof, and thereafter the Town of Tecumseh shall constitute one of the Essex Border Utilities District and be entitled to elect a representative on the Commission as provided in subsection 3 of section 3 of said Act. Power of Tecumseh by by-law to bring itself under provisions 1921, c. 99 again.

(c) Nothing herein contained shall affect the liability of the Corporation of the Town of Tecumseh or the lands lying therein, for its share of the obligations of the Commission or of the Township of Sandwich East arising before the first day of January, 1922. Liability of Tecumseh for obligations of Commission before Jan. 1, 1922 not affected.

9. The Municipality of the Town of Tecumseh and the easterly portion of the Town of Riverside as set out in schedule "A" to this Act, and Peche Island in the Township of Sandwich East are hereby declared to form a union School section under section 20 of *The Public Schools Act* and to have the powers and be subject to the liabilities of an urban School section. Formation of union school section. 1920 c. 100.

Trustees of
school board.

10. The Public School Trustees elected for the year 1922 in said section are hereby confirmed in office as the Trustees of the said union section which shall be known as the Riverside Tecumseh Public School Board and all the assets of the former rural school section are hereby vested in the said Board.

Contribution
of several
municipalities
to school:
mode of arbit-
ration, 1920
c. 100.

11. The contribution by the several municipalities to the expenses of maintaining and conducting the school within the said section and to the rates imposed for any of the purposes set out in section 42 of *The Public Schools Act* shall be determined by resolution of the school trustees of the said section passed before the 1st of March in any year, but five Public School ratepayers of any municipality interested may apply to the County Judge who, as sole Arbitrator shall determine the same instead of the Arbitrators appointed under subsection 3 of section 20 of the said Act and also from time to time shall likewise determine the matters provided in section 28 of said Act.

Application
of 1921
taxes.

12. In order to remove doubts it is declared that the share of the taxes for the year 1921 upon the rateable property of the said Town of Tecumseh accruing due after the 8th day of April, 1921, are to be applied in paying the expenses and debts of the municipality of the Town of Tecumseh lawfully incurred during the said year and similarly the amounts collected for schools are to be applied in payment of the debts and expenses relating to the schools in the respective sections.

Authority to
borrow money
on debentures
without assent
of electors to
pay share for
indebtedness
consequent on
separation
from
township.

13. The Council of the Town of Tecumseh, without the assent of the electors entitled to vote on money by-laws may pass a by-law or by-laws to borrow and issue debentures for the amount of its share of the indebtedness of the Township of Sandwich East consequent upon its separation from the said Township and which may be found due either by agreement between the parties or under the adjustment made pursuant to *The Municipal Act* but shall not include therein annual payments on debentures falling due after the said agreement or adjustment.

c

SCHEDULE "A"

Memorandum of Agreement made this 2nd day of February, 1922.
Between:—

The EauClaire Water Works Co., Limited, a corporation under the laws of the Province of Ontario, of the first part,
and

The Corporation of the Town of Tecumseh, a municipal Corporation under the laws of the Province of Ontario, of the second part.

Whereas, the party of the first part is the owner in possession of a certain water works plant, designed and constructed for the purpose of pumping water from the River Detroit and supplying the residents of the Town of Tecumseh and the neighbourhood.

And whereas the party of the first part did give to the party of the second part an option in writing to purchase the whole undertaking of the party of the first part for the sum of sixty thousand dollars (\$60,000) as a running concern.

And whereas at a general meeting of the shareholders of the party of the first part duly called for considering the question of the sale of the whole undertaking of the said company, the majority in number of shareholders present or represented by proxy and holding not less than two-thirds of the issued capital stock of the said company, did authorize the sale accordingly.

And whereas at a properly called meeting of the directors of the said company the proper officers duly appointed were authorized to execute and convey the said undertaking and deliver possession thereof upon payment.

And whereas the party of the second part by by-law did authorize the purchase of the said water works plant as a going concern at and for the said price, which by-law was ratified by the vote of the proper ratepayers at an election held on January 2, 1922.

Now this agreement witnesses that the parties hereto agree as follows:—

1. The party of the first part agrees to transfer and convey to the party of the second part that certain parcel or tract of land and premises known as Lot according to Plan 572 on Farm Lot 136 in the Town of Riverside, formerly in the Township of Sandwich East having a frontage of fifty (50) feet, together with the water lot in front thereof and all right, title or interest in any hereditament appertaining thereto by a good and sufficient deed, free from charges or incumbrances except local improvement rates.

2. The party of the first part further agrees to transfer and assign to the party of the second part all its right, title and interest in or to any or all water pipes, fittings, connections and attachments of any nature used in connection with the said water works plant and situated in the highways or roads of the towns of Riverside and Tecumseh and the Township of Sandwich East or elsewhere, and any and all machinery or plant, chattels and effects used in connection with and being part of the said undertaking.

3. The party of the first part further agrees to transfer and assign to the party of the second part all its right, title and interest in its franchise in the town of Riverside and Tecumseh and the Township of Sandwich East, to lay water pipe or to supply water or to operate a water works plant in or near any of said towns or township and its right to do any and all acts incidental thereto.

4. The party of the first part agrees to deliver possession of the premises and the conveyance and documents relating to the said land to the party of the second part on or before the first day of April, 1922, but the said party of the first part is not to be obliged to provide any evidence of title not in its power or control, but on request of the party of the first part will do any or all such acts as may be necessary or desirable for the purpose of carrying out the terms of this agreement and execute any further documents for assuring the party of the second part, the said land and undertaking.

5. The party of the second part agrees to pay to the party of the first part on or before April 1st, 1922, as full consideration, the sum of sixty thousand dollars (\$60,000) of lawful money of Canada.

Witness whereof the parties hereto have affixed their corporate seals, attested by the hands of the proper officers.

Signed, sealed and delivered
in the presence of

EauClaire Waterworks Company,
Limited.

(Sgd.) MALCOLM S. CLAPP,
President.

(Sgd.) FRED C. CHADD,
Secretary.

(Sgd.) AIME T. LEBOEUF,
(Seal).

(Sgd.) PAUL POISSON,
Mayor.

(Sgd.) ERNEST DUGAL,
Clerk.
(Seal).

SCHEDULE "B" TOWN OF TECUMSEH. BY-LAW No. 24.

A by-law to provide for the borrowing the sum of sixty thousand dollars (\$60,000) for the purpose of purchasing the plant of the EauClaire Water Works Company, Limited, and establishing a municipal water works system.

Whereas the EauClaire Water Works, Limited, a corporation under the laws of Ontario, has established in the neighbourhood of the Town of Tecumseh, a plant for the purpose of supplying water to the inhabitants of the Town of Tecumseh, the said plant being in operation and it is desirable that the municipality should purchase the same and establish its own system.

And whereas the estimated lifetime of the work is thirty (30) years.

And whereas the purchase price which has been agreed upon between the Town of Tecumseh and the EauClaire Water Works, Limited, is the sum of sixty thousand dollars (\$60,000) for the plant in operation as it stands, and it is considered desirable and necessary to borrow the said sum of sixty thousand dollars on the credit of the corporation and to issue thirty-year debentures therefor, bearing interest at the rate of six per cent. per annum, which is the amount of the debt intended to be increased by this by-law, and is within the lifetime of the plant.

And whereas it is expedient to make the principal of the said debt repayable in yearly sums during the period of thirty years of such amounts, respectively, that the aggregate amount payable for principal and interest in any year shall be equal, as nearly as may be, to the amount so payable for the principal and interest in each of the other years.

And whereas it will be necessary to raise annually the sum of \$4,358.94 during the period of thirty years to pay the said yearly sum of principal and interest as they become due.

And whereas the amount of the whole rateable property of the municipality, according to the last revised assessment roll is \$1,075,173.00.

And whereas the amount of the existing debenture debt of the corporation (exclusive of local improvement debts, secured by special rates of assessment) is nil dollars.

And whereas it will require the sum of \$4,358.94 to be raised annually during the said period of thirty years by a special rate sufficient therefor, over and above and in addition to all other rates upon all rateable property of the municipality for the payment of the debt so to be created for the purpose aforesaid and the interest thereon annually at the rate of six per centum per annum, being for principal and interest in each year of the said period as follows, that is to say:—

No.	Principal.	Interest.	Total.	Year.
1	\$ 758 94	\$3.600 00	\$4,358 94	1922
2	804 48	3,554 46	4,358 94	1923
3	852 75	3,506 19	4,358 94	1924
4	903 89	3,455 05	4,358 94	1925
5	958 13	3,400 81	4,358 94	1926
6	1,015 61	3,343 33	4,358 94	1927
7	1,076 55	3,282 39	4,358 94	1928
8	1,141 15	3,217 79	4,358 94	1929
9	1,209 62	3,149 32	4,358 94	1930
10	1,282 20	3,076 74	4,358 94	1931
11	1,359 13	2,999 81	4,358 94	1932
12	1,440 68	2,918 26	4,358 94	1933
13	1,527 12	2,831 82	4,358 94	1934
14	1,618 74	2,740 20	4,358 94	1935
15	1,715 86	2,643 08	4,358 94	1936
16	1,818 82	2,540 12	4,358 94	1937
17	1,927 95	2,430 99	4,358 94	1938
18	2,043 63	2,315 31	4,358 94	1939
19	2,166 25	2,192 69	4,358 94	1940
20	2,296 23	2,062 71	4,358 94	1941
21	2,434 01	1,924 93	4,358 94	1942
22	2,580 05	1,778 89	4,358 94	1943
23	2,734 85	1,624 09	4,358 94	1944
24	2,898 95	1,459 99	4,358 94	1945
25	3,072 88	1,286 06	4,358 94	1946
26	3,257 26	1,101 68	4,358 94	1947
27	3,452 70	906 24	4,358 94	1948
28	3,659 86	699 08	4,358 94	1949
29	3,879 45	479 49	4,358 94	1950
30	4,112 24	246 72	4,358 94	1951
	\$60,000 00			

And whereas it is necessary to authorize the mayor and treasurer to issue debentures as aforesaid.

Therefore the Corporation of the Town of Tecumseh by the Council thereof enacts as follows:—

1. That for the purpose of paying the cost of the purchase of the water works system, owned by the EauClaire Water Works Company, Limited, the Mayor of the Town of Tecumseh shall be and he is hereby authorized and empowered to borrow from any person, company, society or bank willing to loan the same upon the credit of the debentures hereinafter mentioned, a sum not exceeding the sum of \$60,000.00 for the purpose of paying the cost of purchasing the water works system, owned by the EauClaire Water Works Company, Limited, set out in the preamble of this by-law and to issue debentures up to the following amounts, that is to say:—

For the sum of \$758 94 payable in the year 1922.
 For the sum of 804 48 payable in the year 1923.
 For the sum of 852 75 payable in the year 1924.
 For the sum of 903 89 payable in the year 1925.
 For the sum of 958 13 payable in the year 1926.
 For the sum of 1015 61 payable in the year 1927.
 For the sum of 1076 55 payable in the year 1928.
 For the sum of 1141 15 payable in the year 1929.
 For the sum of 1209 62 payable in the year 1930.

For the sum of 1282 20 payable in the year 1931.
 For the sum of 1359 13 payable in the year 1932.
 For the sum of 1440 68 payable in the year 1933.
 For the sum of 1527 12 payable in the year 1934.
 For the sum of 1618 74 payable in the year 1935.
 For the sum of 1715 86 payable in the year 1936.
 For the sum of 1818 82 payable in the year 1937.
 For the sum of 1927 95 payable in the year 1938.
 For the sum of 2043 63 payable in the year 1939.
 For the sum of 2166 23 payable in the year 1940.
 For the sum of 2296 93 payable in the year 1941.
 For the sum of 2434 01 payable in the year 1942.
 For the sum of 2580 05 payable in the year 1943.
 For the sum of 2734 85 payable in the year 1944.
 For the sum of 2898 95 payable in the year 1945.
 For the sum of 3072 88 payable in the year 1946.
 For the sum of 3257 26 payable in the year 1947.
 For the sum of 3452 70 payable in the year 1948.
 For the sum of 3659 86 payable in the year 1949.
 For the sum of 3879 45 payable in the year 1950.
 For the sum of 4112 24 payable in the year 1951.

2. That the said debentures shall be sealed with the seal of the corporation and signed by the mayor and the treasurer of the said Town and be payable on the fourteenth day of the month of December in the year in which the same respectively under the preceding section becomes due and may be made payable at any place or places in Canada or Great Britain and that the debentures as to both principal and interest may be expressed in Canadian currency.

3. That the debentures shall have coupons attached thereto for the payment of interest, which shall be at and after the rate of six per centum per annum and be payable at any place or places in Canada or Great Britain on the fourteenth day of the month of December in each year during the currency of the said debentures, and the first of said coupons being payable on the fourteenth day of December, 1922.

4. That for the purpose of redeeming the said debentures and paying interest thereon as the same respectively becomes due, an annual special rate over and above and in addition to all other rates sufficient to produce the sum of \$4,358.94 shall be raised, levied and collected in each and every year during the currency of the said debentures, upon all the rateable property of the municipality, which special rate shall be levied and collected at the same time, in the same manner and with the same powers as the other rates of the municipality are levied and collected.

5. That the borrowed money as aforesaid, shall be applied in payment of the cost of the water-works system owned by the EauClaire Water-works Company, Limited.

Read first time, December 7th, 1921.

Read second time, December 7th, 1921.

Finally passed, January 24th, 1922.

PAUL POISSON,
Mayor.

(Seal)

ERNEST DUGAL,
Clerk.

SCHEDULE "C"

BY-LAW NO. 31 OF THE TOWN OF TECUMSEH.

A by-law to establish a Public Utilities Commission for the Town of Tecumseh.

Whereas *The Public Utilities Act* authorized the constitution of the Public Utilities Commission for the purpose of exercising and enjoying the powers, rights and immunities provided in the said Act, instead of by the council of the municipality.

And whereas the Council of the Town of Tecumseh has passed a by-law for the purchase of the Hydro-Electric plant within the said town, and also has passed a by-law for the purchase of the water-works system supplying water to the said town, which said by-laws were approved of by the electors of the said town. And the council deems it desirable that both the public utilities should be entrusted to one commission consisting of three members.

And whereas this by-law will require the ratification of the Legislature of the Province of Ontario.

Therefore the Corporation of the Town of Tecumseh by the Council thereof enacts as follows:—

1. There shall be a Public Utilities Commission of the Town of Tecumseh under *The Public Utilities Act*, consisting of two commissioners and the head of the council.

2. The commissioners for the year 1922 and until their successors have been elected under the provisions of *The Public Utilities Act* at the next annual Municipal Election, shall be Fred C. Chadd and Paul Morand, Sr.

3. Each of the members of the said Commission shall be entitled to an annual salary of the sum of \$50 each, payable quarterly first payment to be made the first day of July, 1922.

4. This by-law shall not come into force until it has been ratified by His Majesty, with the advice and consent of the Legislative Assembly of the Province of Ontario.

PAUL POISSON,
Mayor.

(Seal)

ERNEST DUGAL,
Clerk.

SCHEDULE "D"

That portion of the Town of Riverside lying east of the westerly limit of Farm Lot No. 138, in the First Concession of the Township of Sandwich East formerly.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL

An Act respecting the Town of
Tecumseh.

1st Reading,	1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Private Bill.*)

MR. TOLMIE.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Town of Tecumseh.



WHEREAS the Corporation of the Town of Tecumseh Preamble.
has by its petition represented that the EauClaire Water Works Company, Limited, has established a water works plant for the purpose of pumping water from the head of the Detroit River and supplying the same to the residents of the Town of Tecumseh and neighbourhood and has agreed in writing to sell the said undertaking to the town, and that a by-law to raise the purchase price by the issue of debentures was approved by the electors of the said town on the 2nd day of January, 1922; and whereas it is desirable that the contract for the purchase of the said plant be declared valid and the said Council be authorized to carry the same out and to establish a Public Utilities Commission; and whereas by the Act passed in the Eleventh year of the reign of His Majesty King George V, chaptered 125, the School Section including parts of Riverside and Sandwich East then existing was continued although the Corporation of the Town of Tecumseh was constituted thereby and difficulty has arisen in regard to the finances of the said section and the collection of taxes which it is desirable to remove; and whereas upon the adjustment of the debts between the said Town of Tecumseh and the Township of Sandwich East from which the said town was separated a large amount of the debt of the Township of Sandwich East which should have been paid in part out of the taxes collected for several years past will become immediately due and payable to the said township and to other persons, and the payment of this debt from the current years taxes would be a very heavy burden upon the tax payer and it is desirable that the said debts be consolidated and the said town be authorized to raise money to pay the same by the issue of debentures; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—



Agreement
between muni-
cipality and
company
declared valid.

1. The agreement dated the 2nd day of February, 1922, made between the Corporation of the Town of Tecumseh and the EauClaire Water Works Company, Limited, as set out in Schedule "A" hereto is legal and valid.

By-law No.
24 declared
valid.


2. By-law No. 24, of the Corporation of the Town of Tecumseh, set forth in Schedule "B" hereto and the debentures issued or to be issued under the provisions of the said by-law are declared to be legal and valid and binding upon the said municipal corporation and the ratepayers thereof.  The corporation of the Town of Tecumseh shall within one year construct the improvement in the said water works system necessary for filtering the water as directed by the Provincial Board of Health. 

By-law No.
31 establish-
ing public
utilities com-
mission
declared valid.

3. By-law No. 31, as set out in Schedule "C" hereto to establish a Public Utilities Commission of the Town of Tecumseh providing for entrusting the control and management of the water works system to be purchased from the EauClaire Water Works Company, Limited, and of the Hydro-Electric System within the said town to the said commission is hereby declared to be legal and valid; the said commission may control and manage the said system under the provisions of *The Public Utilities Act*, and the Commissioners therein named shall hold office for the year 1922 only, and until their successors are elected at the next annual municipal election.  The proportion of the cost of administration by the said Town shall be approved by The Hydro-Electric Power Commission of Ontario. 

Rev. Stat.
c. 204.

Addition of
Peeche Island
to Tecumseh
for purposes
of 1920,
c. 100.

 4. That portion of the Town of Riverside lying east of the westerly limit of Farm Lot 138, and Peeche Island in the Township of Sandwich East are hereby added to the urban municipality of the Town of Tecumseh for the purposes of *The Public Schools Act* and are separated from the jurisdiction of any other Public School Boards in the said municipalities and shall have the powers and be subject to the liabilities of a school section in an urban municipality as if formed under section 20 of said Act.

Constitution
of Board
and election
of Trustees.

5. The Public School Trustees elected at the last annual election in the present school section are hereby declared to form the board of trustees for the said section until their successors are elected at the next annual election, and shall be known as the Tecumseh-Riverside Public School Board,

and at each annual election hereafter the said Board shall provide for the nomination and election of three trustees by the electors of the Town of Tecumseh and three trustees by the remainder of said section by the same method as provided in section 63 of the said Act for the election of trustees in the various wards of a municipality.

6. Should the said board require the elections to be held by the same method as the municipal elections under section 64 of the said Act, three trustees shall continue to be elected from the municipality of Tecumseh and three from the remainder of the section as aforesaid; but in case of the submission to the electors under *The Public Schools Act* of a by-law or question, the clerk or returning officer for the Town of Riverside shall certify to the clerk of the Town of Tecumseh the result of the vote in his portion and the clerk of the Town of Tecumseh shall finally sum up and declare the result.

Alternative
method of
election of
Trustees.

7. The clerk and other officers of the said municipalities shall from time to time furnish the copies of voters lists or other documents required for the purposes of the elections and shall do all other necessary acts to carry out the provisions of this Act.

Duties of
officers to
furnish
lists etc.

8. All the assets of the former rural Public School section covering the above area are hereby vested in the said board.



Assets vested
in new
Board.

9. The annual maintenance grant from the municipalities comprising the Union, shall be raised by assessment by the municipal authorities in each case on the portion of the united urban municipality which is in its municipality and shall be paid to the Board in accordance with the provisions of section 46 of *The Public Schools Act*. and the contribution by the several municipalities thereto shall be determined by resolution of the school trustees of the said section passed before the first of March in any year and shall be collected only from the public school supporters within the said section who shall not be liable for contribution to the support of public schools in any other section; but five public school ratepayers of any of said municipalities interested may within thirty days from the passing of the resolution appeal to the County Judge who as sole Arbitrator shall



Determina-
tion of contri-
bution of
municipalities.

determine the contribution instead of arbitrators appointed under subsection (3) of section 20 of the said Act and also from time to time the said Board shall likewise determine the matters provided in section 28 of the said Act, but subject to appeal as aforesaid.

Contribution
by municipi-
palities.


10.  The funds for permanent improvements shall be raised in accordance with the provisions of section 42 of *The Public Schools Act*  and the amount to be contributed by each towards the annual rate shall be determined by resolution of the said Board passed before the passing of the by-law by any of the Councils or by the County Judge on appeal as aforesaid; in case any of the said Councils shall neglect or refuse to pass the by-law, the question shall be submitted under subsection (3) of said section 42 by the said Board or by the several Councils to the proper electors of the said section and after the passing of such a by-law it shall be the duty of the collectors of the said municipalities to collect their share of the rates, necessary to pay the loan and pay the same over to the School Board.

Authority to
borrow money
on debenture
without assent
of electors to
pay share for
indebtedness
consequent on
separation
from
township.

11. The Council of the Town of Tecumseh, without the assent of the electors entitled to vote on money by-laws may pass a by-law or by-laws to borrow money and issue debentures for the amount of its share of the indebtedness of the Township of Sandwich East consequent upon its separation from the said Township and which may be found due either by agreement between the parties or under the adjustment made pursuant to *The Municipal Act* but shall not include therein annual payments on debentures falling due after the said agreement or adjustment,  nor shall the amount so borrowed exceed the sum of \$20,000 which shall be payable within a period not greater than ten years from the date of issue. 



Commence-
ment of
Act.

13. This Act shall come into force on the day upon which it receives the Royal Assent. 

SCHEDULE "A"

Memorandum of Agreement made this 2nd day of February, 1922.
Between:—

The EauClaire Water Works Co., Limited, a corporation under the laws of the Province of Ontario, of the first part,
and

The Corporation of the Town of Tecumseh, a municipal Corporation under the laws of the Province of Ontario, of the second part.

Whereas, the party of the first part is the owner in possession of a certain water works plant, designed and constructed for the purpose of pumping water from the River Detroit and supplying the residents of the Town of Tecumseh and the neighbourhood.

And whereas the party of the first part did give to the party of the second part an option in writing to purchase the whole undertaking of the party of the first part for the sum of sixty thousand dollars (\$60,000) as a running concern.

And whereas at a general meeting of the shareholders of the party of the first part duly called for considering the question of the sale of the whole undertaking of the said company, the majority in number of shareholders present or represented by proxy and holding not less than two-thirds of the issued capital stock of the said company, did authorize the sale accordingly.

And whereas at a properly called meeting of the directors of the said company the proper officers duly appointed were authorized to execute and convey the said undertaking and deliver possession thereof upon payment.

And whereas the party of the second part by by-law did authorize the purchase of the said water works plant as a going concern at and for the said price, which by-law was ratified by the vote of the proper ratepayers at an election held on January 2, 1922.

Now this agreement witnesses that the parties hereto agree as follows:—

1. The party of the first part agrees to transfer and convey to the party of the second part that certain parcel or tract of land and premises known as Lot according to Plan 572 on Farm Lot 136 in the Town of Riverside, formerly in the Township of Sandwich East having a frontage of fifty (50) feet, together with the water lot in front thereof and all right, title or interest in any hereditament appertaining thereto by a good and sufficient deed, free from charges or incumbrances except local improvement rates.

2. The party of the first part further agrees to transfer and assign to the party of the second part all its right, title and interest in or to any or all water pipes, fittings, connections and attachments of any nature used in connection with the said water works plant and situated in the highways or roads of the towns of Riverside and Tecumseh and the Township of Sandwich East or elsewhere, and any and all machinery or plant, chattels and effects used in connection with and being part of the said undertaking.

3. The party of the first part further agrees to transfer and assign to the party of the second part all its right, title and interest in its franchise in the town of Riverside and Tecumseh and the Township of Sandwich East, to lay water pipe or to supply water or to operate a water works plant in or near any of said towns or township and its right to do any and all acts incidental thereto.

4. The party of the first part agrees to deliver possession of the premises and the conveyance and documents relating to the said land to the party of the second part on or before the first day of April, 1922, but the said party of the first part is not to be obliged to provide any evidence of title not in its power or control, but on request of the party of the first part will do any or all such acts as may be necessary or desirable for the purpose of carrying out the terms of this agreement and execute any further documents for assuring the party of the second part, the said land and undertaking.

6.

5. The party of the second part agrees to pay to the party of the first part on or before April 1st, 1922, as full consideration, the sum of sixty thousand dollars (\$60,000) of lawful money of Canada.

Witness whereof the parties hereto have affixed their corporate seals, attested by the hands of the proper officers.

Signed, sealed and delivered
in the presence of

EauClaire Waterworks Company,
Limited.

(Sgd.) MALCOLM S. CLAPP.

President.

(Sgd.) FRED C. CHADD,

Secretary.

(Sgd.) AIME T. LEBOEUF.

(Seal).

(Sgd.) PAUL POISSON,

Mayor.

(Sgd.) ERNEST DUGAL,

Clerk.

(Seal).

SCHEDULE "B"
TOWN OF TECUMSEH.
BY-LAW No. 24.

A by-law to provide for the borrowing the sum of sixty thousand dollars (\$60,000) for the purpose of purchasing the plant of the EauClaire Water Works Company, Limited, and establishing a municipal water works system.

Whereas the EauClaire Water Works, Limited, a corporation under the laws of Ontario, has established in the neighbourhood of the Town of Tecumseh, a plant for the purpose of supplying water to the inhabitants of the Town of Tecumseh, the said plant being in operation and it is desirable that the municipality should purchase the same and establish its own system.

And whereas the estimated lifetime of the work is thirty (30) years.

And whereas the purchase price which has been agreed upon between the Town of Tecumseh and the EauClaire Water Works, Limited, is the sum of sixty thousand dollars (\$60,000) for the plant in operation as it stands, and it is considered desirable and necessary to borrow the said sum of sixty thousand dollars on the credit of the corporation and to issue thirty-year debentures therefor, bearing interest at the rate of six per cent. per annum, which is the amount of the debt intended to be increased by this by-law, and is within the lifetime of the plant.

And whereas it is expedient to make the principal of the said debt repayable in yearly sums during the period of thirty years of such amounts, respectively, that the aggregate amount payable for principal and interest in any year shall be equal, as nearly as may be, to the amount so payable for the principal and interest in each of the other years.

And whereas it will be necessary to raise annually the sum of \$4,358.94 during the period of thirty years to pay the said yearly sum of principal and interest as they become due.

And whereas the amount of the whole rateable property of the municipality, according to the last revised assessment roll is \$1,075,173.00.

And whereas the amount of the existing debenture debt of the corporation (exclusive of local improvement debts, secured by special rates of assessment) is nil dollars.

7.

And whereas it will require the sum of \$4,358.94 to be raised annually during the said period of thirty years by a special rate sufficient therefor, over and above and in addition to all other rates upon all rateable property of the municipality for the payment of the debt so to be created for the purpose aforesaid and the interest thereon annually at the rate of six per centum per annum, being for principal and interest in each year of the said period as follows, that is to say:—

No.	Principal.	Interest.	Total.	Year.
1	\$ 758 94	\$3,600 00	\$4,358 94	1922
2	804 48	3,554 46	4,358 94	1923
3	852 75	3,506 19	4,358 94	1924
4	903 89	3,455 05	4,358 94	1925
5	958 13	3,400 81	4,358 94	1926
6	1,015 61	3,343 33	4,358 94	1927
7	1,076 55	3,282 39	4,358 94	1928
8	1,141 15	3,217 79	4,358 94	1929
9	1,209 62	3,149 32	4,358 94	1930
10	1,282 20	3,076 74	4,358 94	1931
11	1,359 13	2,999 81	4,358 94	1932
12	1,440 68	2,918 26	4,358 94	1933
13	1,527 12	2,831 82	4,358 94	1934
14	1,618 74	2,740 20	4,358 94	1935
15	1,715 86	2,643 08	4,358 94	1936
16	1,818 82	2,540 12	4,358 94	1937
17	1,927 95	2,430 99	4,358 94	1938
18	2,043 63	2,315 31	4,358 94	1939
19	2,166 25	2,192 69	4,358 94	1940
20	2,296 23	2,062 71	4,358 94	1941
21	2,434 01	1,924 93	4,358 94	1942
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24	2,898 95	1,459 99	4,358 94	1945
25	3,072 88	1,286 06	4,358 94	1946
26	3,257 26	1,101 68	4,358 94	1947
27	3,452 70	906 24	4,358 94	1948
28	3,659 86	699 08	4,358 94	1949
29	3,879 45	479 49	4,358 94	1950
30	4,112 24	246 72	4,358 94	1951
				\$60,000 00

And whereas it is necessary to authorize the mayor and treasurer to issue debentures as aforesaid.

Therefore the Corporation of the Town of Tecumseh by the Council thereof enacts as follows:—

1. That for the purpose of paying the cost of the purchase of the water works system, owned by the EauClaire Water Works Company, Limited, the Mayor of the Town of Tecumseh shall be and he is hereby authorized and empowered to borrow from any person, company, society or bank willing to loan the same upon the credit of the debentures hereinafter mentioned, a sum not exceeding the sum of \$60,000.00 for the purpose of paying the cost of purchasing the water works system, owned by the EauClaire Water Works Company, Limited, set out in the preamble of this by-law and to issue debentures up to the following amounts, that is to say:—

For the sum of \$758 94 payable in the year 1922.
 For the sum of 804 48 payable in the year 1923.
 For the sum of 852 75 payable in the year 1924.
 For the sum of 903 89 payable in the year 1925.
 For the sum of 958 13 payable in the year 1926.
 For the sum of 1015 61 payable in the year 1927.
 For the sum of 1076 55 payable in the year 1928.
 For the sum of 1141 15 payable in the year 1929.
 For the sum of 1209 62 payable in the year 1930.

For the sum of 1282 20 payable in the year 1931.
 For the sum of 1359 13 payable in the year 1932.
 For the sum of 1440 68 payable in the year 1933.
 For the sum of 1527 12 payable in the year 1934.
 For the sum of 1618 74 payable in the year 1935.
 For the sum of 1715 86 payable in the year 1936.
 For the sum of 1818 82 payable in the year 1937.
 For the sum of 1927 95 payable in the year 1938.
 For the sum of 2043 63 payable in the year 1939.
 For the sum of 2166 23 payable in the year 1940.
 For the sum of 2296 93 payable in the year 1941.
 For the sum of 2434 01 payable in the year 1942.
 For the sum of 2580 05 payable in the year 1943.
 For the sum of 2734 85 payable in the year 1944.
 For the sum of 2898 95 payable in the year 1945.
 For the sum of 3072 88 payable in the year 1946.
 For the sum of 3257 26 payable in the year 1947.
 For the sum of 3452 70 payable in the year 1948.
 For the sum of 3659 86 payable in the year 1949.
 For the sum of 3879 45 payable in the year 1950.
 For the sum of 4112 24 payable in the year 1951.

2. That the said debentures shall be sealed with the seal of the corporation and signed by the mayor and the treasurer of the said Town and be payable on the fourteenth day of the month of December in the year in which the same respectively under the preceding section becomes due and may be made payable at any place or places in Canada or Great Britain and that the debentures as to both principal and interest may be expressed in Canadian currency.

3. That the debentures shall have coupons attached thereto for the payment of interest, which shall be at and after the rate of six per centum per annum and be payable at any place or places in Canada or Great Britain on the fourteenth day of the month of December in each year during the currency of the said debentures, and the first of said coupons being payable on the fourteenth day of December, 1922.

4. That for the purpose of redeeming the said debentures and paying interest thereon as the same respectively becomes due, an annual special rate over and above and in addition to all other rates sufficient to produce the sum of \$4,358.94 shall be raised, levied and collected in each and every year during the currency of the said debentures, upon all the rateable property of the municipality, which special rate shall be levied and collected at the same time, in the same manner and with the same powers as the other rates of the municipality are levied and collected.

5. That the borrowed money as aforesaid, shall be applied in payment of the cost of the water-works system owned by the EauClaire Water-works Company, Limited.

Read first time, December 7th, 1921.

Read second time, December 7th, 1921.

Finally passed, January 24th, 1922.

PAUL POISSON,

Mayor.

(Seal)

ERNEST DUGAL,

Clerk.

SCHEDULE "C"

BY-LAW No. 31 OF THE TOWN OF TECUMSEH.

A by-law to establish a Public Utilities Commission for the Town of Tecumseh.

Whereas *The Public Utilities Act* authorized the constitution of the Public Utilities Commission for the purpose of exercising and enjoying the powers, rights and immunities provided in the said Act, instead of by the council of the municipality.

And whereas the Council of the Town of Tecumseh has passed a by-law for the purchase of the Hydro-Electric plant within the said town, and also has passed a by-law for the purchase of the water-works system supplying water to the said town, which said by-laws were approved of by the electors of the said town. And the council deems it desirable that both the public utilities should be entrusted to one commission consisting of three members.

And whereas this by-law will require the ratification of the Legislature of the Province of Ontario.

Therefore the Corporation of the Town of Tecumseh by the Council thereof enacts as follows:—

1. There shall be a Public Utilities Commission of the Town of Tecumseh under *The Public Utilities Act*, consisting of two commissioners and the head of the council.

2. The commissioners for the year 1922 and until their successors have been elected under the provisions of *The Public Utilities Act* at the next annual Municipal Election, shall be Fred C. Chadd and Paul Morand, Sr.

3. Each of the members of the said Commission shall be entitled to an annual salary of the sum of \$50 each, payable quarterly first payment, to be made the first day of July, 1922.

4. This by-law shall not come into force until it has been ratified by His Majesty, with the advice and consent of the Legislative Assembly of the Province of Ontario.

PAUL POISSON,
Mayor.

(Seal)

ERNEST DUGAL,
Clerk.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL

An Act respecting the Town of
Teeunseh.

1st Reading,	27th February, 1922.
2nd Reading,	1922.
3rd Reading,	1922.

(Reprinted as amended by the
Private Bills Committee.)

MR. TOLMIE.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Town of Tecumseh.



WHEREAS the Corporation of the Town of Tecumseh Preamble.
has by its petition represented that the EauClaire Water Works Company, Limited, has established a water works plant for the purpose of pumping water from the head of the Detroit River and supplying the same to the residents of the Town of Tecumseh and neighbourhood and has agreed in writing to sell the said undertaking to the town, and that a by-law to raise the purchase price by the issue of debentures was approved by the electors of the said town on the 2nd day of January, 1922; and whereas it is desirable that the contract for the purchase of the said plant be declared valid and the said Council be authorized to carry the same out and to establish a Public Utilities Commission; and whereas by the Act passed in the Eleventh year of the reign of His Majesty King George V, chaptered 125, the School Section including parts of Riverside and Sandwich East then existing was continued although the Corporation of the Town of Tecumseh was constituted thereby and difficulty has arisen in regard to the finances of the said section and the collection of taxes which it is desirable to remove; and whereas upon the adjustment of the debts between the said Town of Tecumseh and the Township of Sandwich East from which the said town was separated a large amount of the debt of the Township of Sandwich East which should have been paid in part out of the taxes collected for several years past will become immediately due and payable to the said township and to other persons, and the payment of this debt from the current years taxes would be a very heavy burden upon the tax payer and it is desirable that the said debts be consolidated and the said town be authorized to raise money to pay the same by the issue of debentures; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—



Agreement
between muni-
cipality and
company
declared valid.

1. The agreement dated the 2nd day of February, 1922, made between the Corporation of the Town of Tecumseh and the EauClaire Water Works Company, Limited, as set out in Schedule "A" hereto is legal and valid.

By-law No.
24 declared
valid.


2. By-law No. 24, of the Corporation of the Town of Tecumseh, set forth in Schedule "B" hereto and the debentures issued or to be issued under the provisions of the said by-law are declared to be legal and valid and binding upon the said municipal corporation and the ratepayers thereof.  The corporation of the Town of Tecumseh shall within one year construct the improvement in the said water works system necessary for filtering the water as directed by the Provincial Board of Health. 

By-law No.
31 establish-
ing public
utilities com-
mission
declared valid.

3. By-law No. 31, as set out in Schedule "C" hereto to establish a Public Utilities Commission of the Town of Tecumseh providing for entrusting the control and management of the water works system to be purchased from the EauClaire Water Works Company, Limited, and of the Hydro-Electric System within the said town to the said commission is hereby declared to be legal and valid; the said commission may control and manage the said system under the provisions of *The Public Utilities Act*, and the Commissioners therein named shall hold office for the year 1922 only, and until their successors are elected at the next annual municipal election.  The proportion of the cost of administration *to be borne* by the said Town shall be approved by The Hydro-Electric Power Commission of Ontario. 

Rev. Stat.
c. 204.

Formation
of union
school section.

 4.—(1) That portion of the Town of Riverside, lying east of the westerly limit of Farm Lot 138 and Peche Island in the Township of Sandwich East and the Town of Tecumseh are hereby declared to form a Union School section for the purposes of *The Public Schools Act* and the School Board shall have all the powers and be subject to all the liabilities of the Board of a Union School section in an urban municipality as provided in section 20 of the said Act.

Alteration
or dissolution
of new
section.

(2) The Union School Section hereby established may be altered or dissolved on the petition of five ratepayers from each of the Municipalities of Riverside and Tecumseh with the consent of the Council of the Township of Sandwich East.

(3) The Councils of each of the aforesaid municipalities may then appoint an arbitrator who shall not be a member of the Council and notice of the appointment shall be sent by the respective clerks to the Inspector or Inspectors of the district or districts concerned who shall also be arbitrators. In all other respects the proceedings shall be the same as those laid down in section 20 of *The Public Schools Act of 1920*, for the information, alteration or dissolution of a Union School Section. Arbitration.

5. The persons elected as public school trustees at the last annual election in the area described in section 4 hereof are hereby declared to form the board of trustees for the said school section for the year 1922 and until the trustees are elected at the next annual election and shall be known as The Tecumseh Riverside Public School Board, and at each annual election hereafter the said Board shall provide for the nomination and election of two trustees by the electors of the Town of Tecumseh and two trustees by the remainder of said school section by the same method as provided in section 63 of *The Public Schools Act, 1920*, for the election of trustees in the various wards of a municipality. Constitution of Board and election of Trustees.

6. Should the said board require the elections to be held by ballot as provided by section 64 of the said Act, two trustees shall continue to be elected from the municipality of Tecumseh and two from the remainder of the section as aforesaid; but in case of the submission to the electors under *The Public Schools Act* of a by-law or question, the clerk or returning officer for the Town of Riverside and the Clerk or Returning Officer for the Township of Sandwich East shall certify to the clerk of the Town of Tecumseh the result of the vote in his portion and the clerk of the Town of Tecumseh shall finally sum up and declare the result. Alternative method of election of Trustees.

7. The clerk and other officers of the said municipalities shall from time to time furnish the copies of voters lists or other documents required for the purposes of the elections and shall do all other necessary acts to carry out the provisions of this Act. Duties of officers to furnish lists etc.

8. All the assets of the former rural Public School section Number 4 covering the above area are hereby vested in the said board, and the former Board is hereby dissolved. Assets vested in new Board.

Determina-
tion of contri-
bution of
municipalities.





9. The annual amount required for the maintenance of the school from the municipalities shall be raised by each municipality by special rate on the rateable property in its portion of the Union School Section and shall be paid to the said Board under the provisions of section 46 of *The Public Schools Act, 1920*, and the contribution by the several municipalities thereto shall be determined by resolution of the said Board passed before the first day of March in each year; but five public school ratepayers of any of the said municipalities may within thirty days from the passing of the resolution appeal to the county judge who as sole arbitrator shall determine the distribution.

Permanent
improvements.

10. The funds required for permanent improvements may be raised by by-law of the council of the Town of Tecumseh under the provisions of section 42 of *The Public Schools Act, 1920*, upon requisition from the said Board; the by-law shall recite the amount to be contributed by each municipality which shall be determined by resolution of the said Board subject to appeal as provided in section 9 hereof; if the said council shall neglect or refuse to pass the by-law it shall be submitted for approval under subsection 3 of said section 42; and if approved the council of the said municipalities shall collect their portion as set out in said by-law and pay the same over to the Treasurer of the Town of Tecumseh.




Authority to
borrow money
on debenture
without assent
of electors to
pay share for
indebtedness
consequent on
separation
from
township.

11. The Council of the Town of Tecumseh, without the assent of the electors entitled to vote on money by-laws may pass a by-law or by-laws to borrow money and issue debentures for the amount of its share of the indebtedness of the Township of Sandwich East consequent upon its separation from the said Township and which may be found due either by agreement between the parties or under the adjustment made pursuant to *The Municipal Act* but shall not include therein annual payments on debentures falling due after the said agreement or adjustment,  nor shall the amount so borrowed exceed the sum of \$20,000 which shall be payable within a period not greater than ten years from the date of issue. 



Commence-
ment of
Act.

13. This Act shall come into force on the day upon which it receives the Royal Assent. 

SCHEDULE "A"

Memorandum of Agreement made this 2nd day of February, 1922.
Between:—

The EauClaire Water Works Co., Limited, a corporation under the laws of the Province of Ontario, of the first part,
and

The Corporation of the Town of Tecumseh, a municipal Corporation under the laws of the Province of Ontario, of the second part.

Whereas, the party of the first part is the owner in possession of a certain water works plant, designed and constructed for the purpose of pumping water from the River Detroit and supplying the residents of the Town of Tecumseh and the neighbourhood.

And whereas the party of the first part did give to the party of the second part an option in writing to purchase the whole undertaking of the party of the first part for the sum of sixty thousand dollars (\$60,000) as a running concern.

And whereas at a general meeting of the shareholders of the party of the first part duly called for considering the question of the sale of the whole undertaking of the said company, the majority in number of shareholders present or represented by proxy and holding not less than two-thirds of the issued capital stock of the said company, did authorize the sale accordingly.

And whereas at a properly called meeting of the directors of the said company the proper officers duly appointed were authorized to execute and convey the said undertaking and deliver possession thereof upon payment.

And whereas the party of the second part by by-law did authorize the purchase of the said water works plant as a going concern at and for the said price, which by-law was ratified by the vote of the proper ratepayers at an election held on January 2, 1922.

Now this agreement witnesses that the parties hereto agree as follows:—

1. The party of the first part agrees to transfer and convey to the party of the second part that certain parcel or tract of land and premises known as Lot according to Plan 572 on Farm Lot 136 in the Town of Riverside, formerly in the Township of Sandwich East having a frontage of fifty (50) feet, together with the water lot in front thereof and all right, title or interest in any hereditament appertaining thereto by a good and sufficient deed, free from charges or incumbrances except local improvement rates.

2. The party of the first part further agrees to transfer and assign to the party of the second part all its right, title and interest in or to any or all water pipes, fittings, connections and attachments of any nature used in connection with the said water works plant and situated in the highways or roads of the towns of Riverside and Tecumseh and the Township of Sandwich East or elsewhere, and any and all machinery or plant, chattels and effects used in connection with and being part of the said undertaking.

3. The party of the first part further agrees to transfer and assign to the party of the second part all its right, title and interest in its franchise in the town of Riverside and Tecumseh and the Township of Sandwich East, to lay water pipe or to supply water or to operate a water works plant in or near any of said towns or township and its right to do any and all acts incidental thereto.

4. The party of the first part agrees to deliver possession of the premises and the conveyance and documents relating to the said land to the party of the second part on or before the first day of April, 1922, but the said party of the first part is not to be obliged to provide any evidence of title not in its power or control, but on request of the party of the first part will do any or all such acts as may be necessary or desirable for the purpose of carrying out the terms of this agreement and execute any further documents for assuring the party of the second part, the said land and undertaking.

6.

5. The party of the second part agrees to pay to the party of the first part on or before April 1st, 1922, as full consideration, the sum of sixty thousand dollars (\$60,000) of lawful money of Canada.

Witness whereof the parties hereto have affixed their corporate seals, attested by the hands of the proper officers.

Signed, sealed and delivered
in the presence of

EauClaire Waterworks Company,
Limited.

(Sgd.) MALCOLM S. CLAPP.
President.

(Sgd.) FRED C. CHADD,
Secretary.

(Sgd.) AIME T. LEBOEUF.
(Seal).

(Sgd.) PAUL POISSON,
Mayor.

(Sgd.) ERNEST DUGAL,
Clerk.
(Seal).

SCHEDULE "B"
TOWN OF TECUMSEH.
BY-LAW No. 24.

A by-law to provide for the borrowing the sum of sixty thousand dollars (\$60,000) for the purpose of purchasing the plant of the EauClaire Water Works Company, Limited, and establishing a municipal water works system.

Whereas the EauClaire Water Works, Limited, a corporation under the laws of Ontario, has established in the neighbourhood of the Town of Tecumseh, a plant for the purpose of supplying water to the inhabitants of the Town of Tecumseh, the said plant being in operation and it is desirable that the municipality should purchase the same and establish its own system.

And whereas the estimated lifetime of the work is thirty (30) years.

And whereas the purchase price which has been agreed upon between the Town of Tecumseh and the EauClaire Water Works, Limited, is the sum of sixty thousand dollars (\$60,000) for the plant in operation as it stands, and it is considered desirable and necessary to borrow the said sum of sixty thousand dollars on the credit of the corporation and to issue thirty-year debentures therefor, bearing interest at the rate of six per cent. per annum, which is the amount of the debt intended to be increased by this by-law, and is within the lifetime of the plant.

And whereas it is expedient to make the principal of the said debt repayable in yearly sums during the period of thirty years of such amounts, respectively, that the aggregate amount payable for principal and interest in any year shall be equal, as nearly as may be, to the amount so payable for the principal and interest in each of the other years.

And whereas it will be necessary to raise annually the sum of \$4,358.94 during the period of thirty years to pay the said yearly sum of principal and interest as they become due.

And whereas the amount of the whole rateable property of the municipality, according to the last revised assessment roll is \$1,075,173.00.

And whereas the amount of the existing debenture debt of the corporation (exclusive of local improvement debts, secured by special rates of assessment) is nil dollars.

7.

And whereas it will require the sum of \$4,358.94 to be raised annually during the said period of thirty years by a special rate sufficient therefor, over and above and in addition to all other rates upon all rateable property of the municipality for the payment of the debt so to be created for the purpose aforesaid and the interest thereon annually at the rate of six per centum per annum, being for principal and interest in each year of the said period as follows, that is to say:—

No.	Principal.	Interest.	Total.	Year.
1	\$ 758 94	\$3,600 00	\$4,358 94	1922
2	804 48	3,554 46	4,358 94	1923
3	852 75	3,506 19	4,358 94	1924
4	903 89	3,455 05	4,358 94	1925
5	958 13	3,400 81	4,358 94	1926
6	1,015 61	3,343 33	4,358 94	1927
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26	3,257 26	1,101 68	4,358 94	1947
27	3,452 70	906 24	4,358 94	1948
28	3,659 86	699 08	4,358 94	1949
29	3,879 45	479 49	4,358 94	1950
30	4,112 24	246 72	4,358 94	1951
\$60,000 00				

And whereas it is necessary to authorize the mayor and treasurer to issue debentures as aforesaid.

Therefore the Corporation of the Town of Tecumseh by the Council thereof enacts as follows:—

1. That for the purpose of paying the cost of the purchase of the water works system, owned by the EauClaire Water Works Company, Limited, the Mayor of the Town of Tecumseh shall be and he is hereby authorized and empowered to borrow from any person, company, society or bank willing to loan the same upon the credit of the debentures hereinafter mentioned, a sum not exceeding the sum of \$60,000.00 for the purpose of paying the cost of purchasing the water works system, owned by the EauClaire Water Works Company, Limited, set out in the preamble of this by-law and to issue debentures up to the following amounts, that is to say:—

For the sum of \$758 94 payable in the year 1922.
 For the sum of 804 48 payable in the year 1923.
 For the sum of 852 75 payable in the year 1924.
 For the sum of 903 89 payable in the year 1925.
 For the sum of 958 13 payable in the year 1926.
 For the sum of 1015 61 payable in the year 1927.
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For the sum of 1282 20 payable in the year 1931.
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 For the sum of 1440 68 payable in the year 1933.
 For the sum of 1527 12 payable in the year 1934.
 For the sum of 1618 74 payable in the year 1935.
 For the sum of 1715 86 payable in the year 1936.
 For the sum of 1818 82 payable in the year 1937.
 For the sum of 1927 95 payable in the year 1938.
 For the sum of 2043 63 payable in the year 1939.
 For the sum of 2166 23 payable in the year 1940.
 For the sum of 2296 93 payable in the year 1941.
 For the sum of 2434 01 payable in the year 1942.
 For the sum of 2580 05 payable in the year 1943.
 For the sum of 2734 85 payable in the year 1944.
 For the sum of 2898 95 payable in the year 1945.
 For the sum of 3072 88 payable in the year 1946.
 For the sum of 3257 26 payable in the year 1947.
 For the sum of 3452 70 payable in the year 1948.
 For the sum of 3659 86 payable in the year 1949.
 For the sum of 3879 45 payable in the year 1950.
 For the sum of 4112 24 payable in the year 1951.

2. That the said debentures shall be sealed with the seal of the corporation and signed by the mayor and the treasurer of the said Town and be payable on the fourteenth day of the month of December in the year in which the same respectively under the preceding section becomes due and may be made payable at any place or places in Canada or Great Britain and that the debentures as to both principal and interest may be expressed in Canadian currency.

3. That the debentures shall have coupons attached thereto for the payment of interest, which shall be at and after the rate of six per centum per annum and be payable at any place or places in Canada or Great Britain on the fourteenth day of the month of December in each year during the currency of the said debentures, and the first of said coupons being payable on the fourteenth day of December, 1922.

4. That for the purpose of redeeming the said debentures and paying interest thereon as the same respectively becomes due, an annual special rate over and above and in addition to all other rates sufficient to produce the sum of \$4,358.94 shall be raised, levied and collected in each and every year during the currency of the said debentures, upon all the rateable property of the municipality, which special rate shall be levied and collected at the same time, in the same manner and with the same powers as the other rates of the municipality are levied and collected.

5. That the borrowed money as aforesaid, shall be applied in payment of the cost of the water-works system owned by the EauClaire Water-works Company, Limited.

Read first time, December 7th, 1921.

Read second time, December 7th, 1921.

Finally passed, January 24th, 1922.

PAUL POISSON,

Mayor.

(Seal)

ERNEST DUGAL,

Clerk.

SCHEDULE "C"

BY-LAW No. 31 OF THE TOWN OF TECUMSEH.

A by-law to establish a Public Utilities Commission for the Town of Tecumseh.

Whereas *The Public Utilities Act* authorized the constitution of the Public Utilities Commission for the purpose of exercising and enjoying the powers, rights and immunities provided in the said Act, instead of by the council of the municipality.

And whereas the Council of the Town of Tecumseh has passed a by-law for the purchase of the Hydro-Electric plant within the said town, and also has passed a by-law for the purchase of the water-works system supplying water to the said town, which said by-laws were approved of by the electors of the said town. And the council deems it desirable that both the public utilities should be entrusted to one commission consisting of three members.

And whereas this by-law will require the ratification of the Legislature of the Province of Ontario.

Therefore the Corporation of the Town of Tecumseh by the Council thereof enacts as follows:—

1. There shall be a Public Utilities Commission of the Town of Tecumseh under *The Public Utilities Act*, consisting of two commissioners and the head of the council.

2. The commissioners for the year 1922 and until their successors have been elected under the provisions of *The Public Utilities Act* at the next annual Municipal Election, shall be Fred C. Chadd and Paul Morand, Sr.

3. Each of the members of the said Commission shall be entitled to an annual salary of the sum of \$50 each, payable quarterly first payment to be made the first day of July, 1922.

4. This by-law shall not come into force until it has been ratified by His Majesty, with the advice and consent of the Legislative Assembly of the Province of Ontario.

PAUL POISSON,
Mayor.

(Seal)

ERNEST DUGAL,
Clerk.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL

An Act respecting the Town of
Tecumseh.

1st Reading,	27th February, 1922.
2nd Reading,	1922.
3rd Reading,	1922.

(Re-printed as further amended by the
Private Bills Committee.)

MR. TOLMIE.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Village of Waterdown.

WHEREAS the Municipal Corporation of the Village of Waterdown has represented that By-law number 222, of the said village, passed 12th January, 1920, authorizing the issue of debentures to the amount of \$20,000 for the erection and equipping of a memorial hall, received the assent of the electors of the said village; and whereas doubts have arisen as to the legality of said By-law number 222 and the said corporation has petitioned that an Act be passed legalizing, ratifying and confirming the said by-law number 222 and the debentures issued or to be issued thereunder; Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law number 222 of the Village of Waterdown providing for the issue of debentures to the amount of \$20,000, for the erection and equipping of a memorial hall as passed by the municipal council of the said village on the 12th day of January, 1920, and set out as schedule "A" hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the Municipal Corporation of the said Village of Waterdown and the ratepayers thereof, notwithstanding any informalities, defects or irregularities in said By-law number 222, either in substance or in form or otherwise howsoever and notwithstanding that the council of the said village may not have had the power to pass the said by-law.

By-law No.
222, Village
of Waterdown
confirmed.

2. The debentures issued or to be issued under or pursuant to the provisions of the said by-law dated the 12th January, 1920, and repayable in twenty equal annual instalments of principal and interest on the 12th day of January in each of the years 1921 to 1940 inclusive are hereby ratified and confirmed and declared to be legal, valid and binding upon the said corporation and the ratepayers thereof, notwithstanding any defect in substance or in form of the

Irregularity
in issue or
form of debentures
not to
invalidate.

said by-law or the said debentures or in the manner of passing or issuing the same and the rates imposed by and levied and to be levied under the said by-law for the payment of the debentures authorized thereby and the interest thereon are also ratified and confirmed and declared to be valid and binding upon the said corporation and the ratepayers thereof.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE "A"

BY-LAW No. 222 OF THE VILLAGE OF WATERDOWN.

To provide for the issue of debentures to the amount of Twenty Thousand dollars (\$20,000.00) for the erection and equipping of a memorial hall.

Whereas it is desirable to erect and equip a memorial hall, under the provisions of 9 George V, chapter 48, section 11.

And whereas the amount of the whole rateable property of this municipality, according to the last revised assessment roll is \$311,708.00.

And whereas the amount of the debenture debt of the corporation is \$81,677.00 exclusive of local improvement debts secured by special rates or assessments, of which debt no part of the principal or interest is in arrear.

And whereas the sum of \$20,000.00 is the debt to be created by this by-law.

And whereas it will require the sum of \$1,743.69 to be raised annually for a period of twenty years, the currency of the debentures to be issued under and by virtue of this by-law for paying the said instalments of principal and interest.

And whereas it is necessary that such annual sum of \$1,743.69 shall be raised and levied in each year during the said period of twenty years, by a special vote sufficient therefor on all rateable property in this municipality as hereinafter provided.

Therefore the Council of the Corporation of the Village of Waterdown, enacts as follows:

1. For the purpose mentioned in the preamble, there shall be borrowed on the credit of the corporation the sum of \$20,000 and debentures shall be issued therefor on the instalment plan in sums of not less than \$100.00 each, which shall have coupons attached thereto for the payment of interest, with a facsimile of the signature of the treasurer engraved thereon.

2. The debentures shall be dated and issued on date this by-law takes effect, and shall bear interest at the rate of six per centum (6%) per annum, payable yearly from the date the by-law takes effect in each and every year during the currency thereof.

3. The said debentures shall be payable in twenty annual instalments during the twenty years next after the date when they shall be issued, and the respective amounts of principal and interest payable in each of such years shall be as follows:—

No.	Year.	Interest.	Principal.	Total Annual Amount.
1	1921	\$1200 00	\$543 69	\$1743 69
2	1922	1167 38	576 31	1743 69
3	1923	1132 80	610 89	1743 69
4	1924	1096 14	647 55	1743 69
5	1925	1057 29	686 40	1743 69
6	1926	1016 11	727 58	1743 69
7	1927	972 45	771 24	1743 69
8	1928	926 18	817 51	1743 69
9	1929	877 13	866 56	1743 69
10	1930	825 14	918 55	1743 69
11	1931	770 02	973 67	1743 69
12	1932	711 60	1032 09	1743 69
13	1933	649 68	1094 01	1743 69
14	1934	584 04	1159 65	1743 69
15	1935	514 46	1229 23	1743 69
16	1936	440 70	1302 99	1743 69
17	1937	362 52	1381 17	1743 69
18	1938	279 65	1464 04	1743 69
19	1939	191 81	1551 88	1743 69
20	1940	98 70	1644 99	1743 69

\$20,000 00

4. The debentures as to both principal and interest shall be expressed in Canadian currency and be made payable at the Royal Bank of Canada in the Village of Waterdown.

5. The debentures shall be sealed with the seal of the corporation and signed by the Reeve and countersigned by the treasurer of the said corporation.

6. During the currency of the said debentures there shall be raised and levied annually, by a special rate sufficient therefor over and above all other rates on all rateable property in the said municipality the sum of \$1,743.69 for the payment of the said instalments of principal and interest.

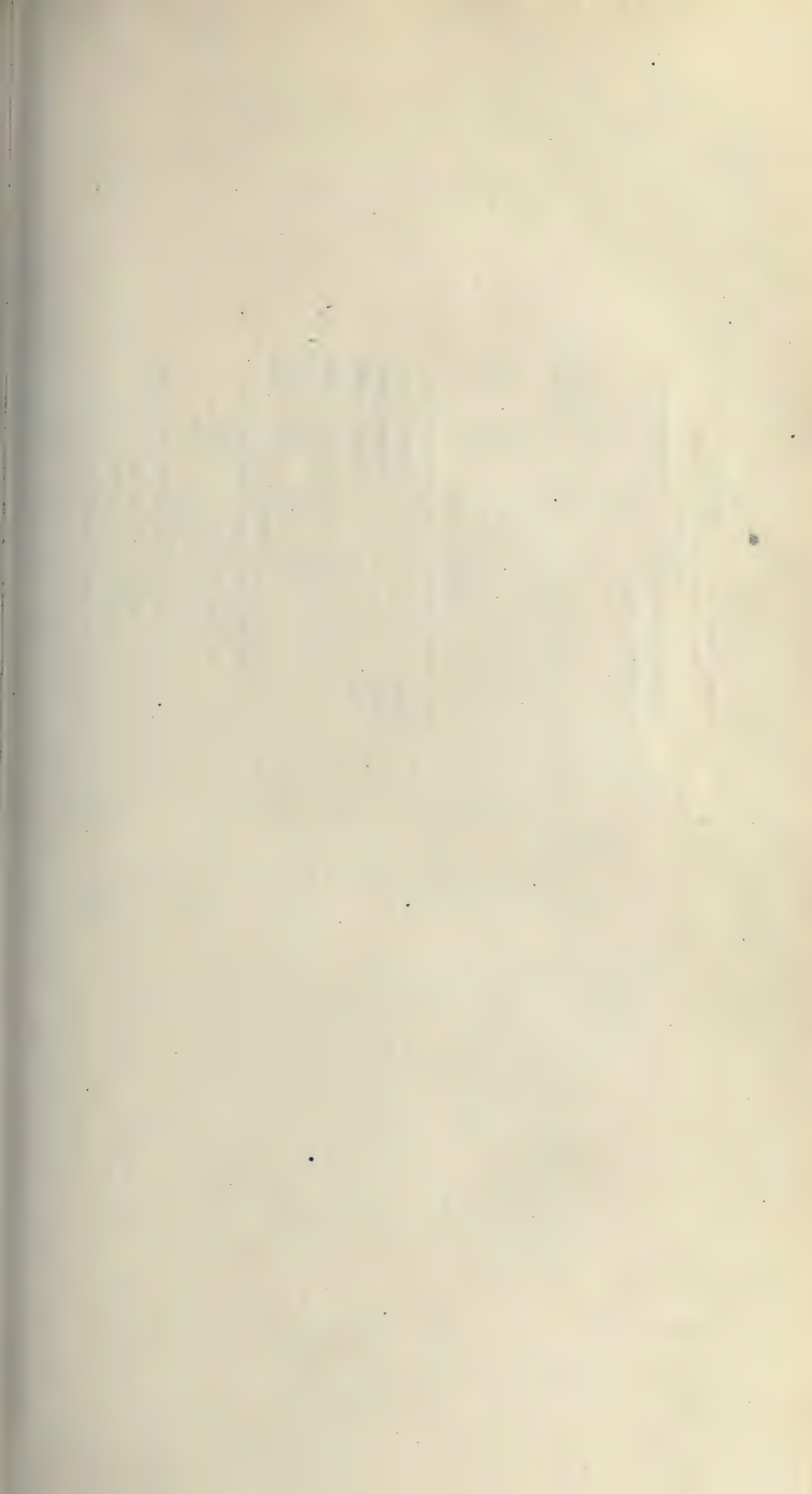
7. The moneys realized upon and from the said debentures shall be used for the purpose above mentioned only.

Passed this 12th day of January, 1920.

R. SMITH,
Reeve.

J. C. MEDLAR,
Clerk.

(Seal)



No. 20.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting the Village of
Waterdown.

1st Reading,	1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Private Bill.*)

MR. CROCKETT.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Great War Veterans Association of Hamilton.

WHEREAS the Hamilton Central Branch of the Great War Veterans Association has by petition prayed for special legislation to authorize John I. McLaren, The Reverend Samuel Daw, J. Stewart Grafton, John H. Fitzgerald, and H. A. Burbidge, all of the City of Hamilton, Trustees of the property hereinafter described and who hold the same in trust for the Great War Veterans Association of Hamilton, to sell the said premises and contents thereof by public auction or private sale, as they in their discretion see fit, and to invest the proceeds of the sale and to apply the income from such investment in and towards the payment of rental of other suitable club house premises, to be held by them upon the same trusts as they now hold the said premises hereinafter described or in their discretion to invest such proceeds in the purchase of other property to be held by them and used for such purpose; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Trustees for the time being in whom are vested the lands and premises now occupied by the Hamilton Central Branch of the Great War Veterans Association and being all and singular that certain parcel or tract of land and premises situate lying and being in the said City of Hamilton composed of lots Numbers One hundred and fifty-one and One hundred and fifty-two on the north side of Young Street between Hughson and John Streets in the said City of Hamilton described as follows:—Commencing at the south-west angle of lot Number One hundred and fifty-one being the intersection of the north limit of Young Street with the east limit of Hughson Street; thence easterly along the northerly limit of Young Street one hundred and thirty-three feet ten inches to a point; thence north nineteen de-

Power of Trustees to sell land and contents of G.W.V.A. premises by public auction or private sale.

2.

grees four minutes east seventy-one feet ten inches; thence north twenty-two degrees twenty-one minutes east thirty-five feet seven inches; thence north sixteen degrees forty-four minutes east parallel with and distant one foot easterly from the eastern face of a brick garage twenty-five feet; thence south seventy-two degrees and twenty minutes west one hundred and thirty-seven feet five inches more or less to the easterly limit of Hughson Street; thence southerly along the easterly limit of Hughson Street to the place of beginning, are hereby authorized and empowered in their discretion to sell the said lands and premises and the furniture and contents thereof by public auction or private sale as they in their discretion see fit.

Investment
of proceeds
and applica-
tion of
income.

2. The said Trustees are further authorized to invest the proceeds of such sale together with other funds now held by them in trust and herinafter described as the "trust funds" for the said Great War Veterans Association of Hamilton in such investments as are authorized by law for the investment of trust funds and to receive the income from such investment and to lease from time to time other suitable club house premises and to apply the income from such investment in or towards the rental thereof.

Power to
purchase and
sell club-house
premises
from time
to time on
resolution
G.W.V.A. of
Hamilton.

3. The Trustees are hereby further authorized and empowered from time to time in their discretion to apply the trust funds in the purchase of permanent club house premises to be approved by the Great War Veterans Association and from time to time at the request of the said Great War Veterans Association of Hamilton evidenced by a resolution of the said Association to sell the said premises so purchased and to purchase other premises in lieu thereof, such premises in either case to be held by the Trustees upon the same trusts, terms and conditions as the premises hereinbefore described.

Terms of
trust instru-
ment not to
prevent
exercise of
powers here-

4. Nothing contained in the instruments creating the trusts upon which the Trustees hold the said premises shall in any way prevent the exercise by the Trustees of the power hereby conferred upon them.

No. 21.

3rd Session, 15th Legislature,
1st George V, 1922.

BILL.

An Act respecting the Great War Veterans Association of Hamilton.

1st reading	1922
2nd reading	1922
3rd reading	1922

(*Private Bill.*)

MR. HARGROW.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the *Hamilton veterans of the Great War.*

Preamble.

WHEREAS special legislation has been prayed for authorizing John I. McLaren, Samuel Daw, Clerk in Holy Orders, J. Stewart Grafton, John H. Fitzgerald and H. A. Burbidge, all of the City of Hamilton, Trustees of the property hereinafter described and who hold the same in trust for *Hamilton veterans of the Great War*, to sell the said premises now vested in the said trustees, by public auction or public tender, as they in their discretion see fit, and to invest the proceeds of the sale and to apply the income from such investment in and towards the payment of rental of other suitable club house premises, to be held by them upon the same trusts as they now hold the said premises hereinafter described or in their discretion to invest such proceeds in the purchase of other property to be held by them and used for such purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Trustees for the time being in whom are vested the lands and premises being all and singular that certain parcel or tract of land and premises situate, lying and being in the said City of Hamilton composed of lots Numbers One hundred and fifty-one and One hundred and fifty-two on the north side of Young Street between Hughson and John Streets in the said City of Hamilton described as follows:—Commencing at the south-west angle of lot Number One hundred and fifty-one being the intersection of the north limit of Young Street with the east limit of Hughson Street; thence easterly along the northerly limit of Young Street one hundred and thirty-three feet ten inches to a point; thence north nineteen degrees four minutes east seventy-one feet ten inches; thence

Power of Trustees to sell lands and premises by public auction or public tender.

north twenty-two degrees twenty-one minutes east thirty-five feet seven inches; thence north sixteen degrees forty-four minutes east parallel with and distant one foot easterly from the eastern face of a brick garage twenty-five feet; thence south seventy-two degrees and twenty minutes west one hundred and thirty-seven feet five inches more or less to the easterly limit of Hughson Street; thence southerly along the easterly limit of Hughson Street to the place of beginning, are hereby authorized and empowered in their discretion to sell the said lands and premises by public auction or *public tender*, as they in their discretion see fit.

Investment
of proceeds
and applica-
tion of
income.

2. The Trustees are further authorized to invest the proceeds of such sale together with other funds now held by them in trust and hereinafter described as the "trust funds" for *Hamilton veterans of the Great War* in such investments as are authorized by law for trust funds and to receive the income from such *investments* and to *purchase* or lease from time to time other suitable club house premises and to apply the income from such *investments* in or towards the *purchase price, rental or maintenance thereof*.

Terms of
the Trust.

3. The Trustees are to hold the said premises or the proceeds of the sale thereof and such other funds as may from time to time be received by them, upon the following trusts, terms and conditions:

- (a) In trust for Hamilton veterans of the Great War for club house premises.
- (b) Thereafter, in the event of the Trustees being of opinion that it is no longer advisable to continue a club house, to pay said funds to the corporation of the City of Hamilton whose receipt for the same shall be a full receipt to the Trustees.

Authority
of Trustees.

4. The Trustees are authorized to collect money and accept gifts for the purposes of the trust, and to make such rules and regulations for carrying out the trust and governing the club house as they in their discretion deem proper.

Power of
appointing
new Trustees.

5. If a trustee dies or desires to be discharged or refuses to act, the surviving or continuing trustees may, by writing, appoint another person to be a trustee in his place.

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No. 21.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting the Hamilton
veterans of the Great War.

1st Reading,	28th February, 1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Reprinted as amended by the
Private Bills Committee.*)

MR. HARGROW.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to incorporate a part of the Township of York as the Township of York North.

WHEREAS James Muirhead, W. J. Buchanan, Roy Riseborough, W. C. Snider and John A. Brumwell and other persons, inhabitants and ratepayers of that part of the Township of York in the County of York, hereinafter more particularly described and which may be known as the northern part of the said township, have by petition set forth that that part of the said Township of York, hereinafter more particularly described, is largely rural in character and occupied almost altogether for farming purposes, while that part lying to the south of the said line, being the southern portion, is almost entirely urban in its character and thickly populated and requires a different municipal administration from that required by the northern part of the said township; and whereas in view of such conditions the said petitioners have prayed that an Act be passed separating the said district, hereinafter more particularly described, and incorporating it as the Township of York, North; and whereas it is expedient to grant the prayer of the said petition:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1.—(1) It shall be the duty of the Corporation of the Township of York within five weeks after the passing of this Act to submit to the municipal electors in that part of the Township of York described as follows: commencing at the north-east angle of the Township of York; thence southerly along the easterly limit of said Township of York to the southerly limit of lot three in the Third Concession from the Bay; Thence westerly along the southerly limit of lots three, eight and thirteen in said Third Concession from the Bay to the east limit of the Town of Leaside; thence north-easterly and northerly and along the easterly limit of said Town of Leaside following its various courses to the northerly limit of said town; thence westerly along the northerly limit of said Town of Leaside to the westerly limit thereof; thence southerly along the westerly limit of the Town of Leaside to the northerly

Question of separation of certain described area—submission to electors.

2.

limit of Eglinton Avenue; thence westerly to the south-east angle of lot one, Concession One east of Yonge Street being the northerly limit of part of the City of Toronto. (formerly the Town of North Toronto) annexed to the City by order of the Railway and Municipal Board dated the 31st October, 1912; thence westerly, northerly, westerly and southerly following the limits of the former Town of North Toronto as annexed to the City of Toronto by said order of the Railway and Municipal Board to the intersection with the southerly limit of lot three in the First Concession west of Yonge Street; thence westerly along the southerly limits of lots three in the First, Second, Third and Fourth Concessions west of Yonge Street to the intersection with the right of way of the Canadian Pacific Railway; thence north-westerly along the limits of said Canadian Pacific Railway right of way to the south-east angle of the Town of Weston; thence northerly, easterly, northerly, westerly and again northerly and westerly following the limits of the said Town of Weston to the centre of the River Humber, being the westerly boundary of the said Township of York; thence northerly and along the said westerly boundary of the Township of York to the northerly limit of said Township of York; thence easterly along the northerly limit of said Township of York to the place of beginning, the following question:—

“Are you in favour of the incorporation of the northern part of the Township of York as the Township of York North?”

Polling subdivisions as at last municipal election.

(2) The polling subdivisions shall be the same as nearly as may be, as at the last municipal election, and that part of any polling subdivision separated by the Lawrence side-road and McDougall Avenue which lies north of the said side-road and avenue shall for the purpose of the vote be deemed a polling subdivision. The Clerk of the Township of York shall be the returning officer for the taking of the said vote and the voter's list shall be the list used in the last municipal election.

When section comes into force.

(3) This section shall come into force on the day upon which this Act receives the Royal Assent.

Declaration of result of vote upon questions.

2. If a majority of those voting vote in the affirmative in answer to the question submitted according to the declaration of the result by the Clerk of the Township of York, the following sections of this Act shall come into force on the day following such declaration. The declaration shall be made not later than noon of the Tuesday following the election.

Incorporation of Township of North York.

3. The inhabitants of that part of the Township of York hereinbefore more particularly described, are hereby constituted a corporation or body politic separate and apart

3.

from the Township of York under the name of the Corporation of the Township of York North, and as such shall enjoy all the rights and privileges and be subject to all the duties and liabilities appertaining to incorporate townships.

4.—(1) The provisions of *The Municipal Act* as to matters consequent on the separation of a junior township from a union of townships including the adjustment of assets, debts and liabilities shall apply except, Provisions Rev. Stat. c. 192 to apply.

(a) All matters in dispute between the two corporations shall be determined by the Ontario Railway and Municipal Board; and Exceptions.

(b) The taxes for the year 1922 shall belong to the Township of York North;

(c) Any expenditures by the Township of York within the limits of the Township of York North from the 1st day of January, 1922, to the passing of this Act shall be deemed a liability of the Township of York North.

(2) The said board for the purposes of this Act shall be deemed to be the Board of Arbitrators appointed under *The Municipal Act* and the award of the board shall be final and conclusive and without appeal. Arbitration—award of Board to be final.

(3) For the purposes of this section the Township of York shall be deemed to be the senior township and the Township of York North the junior township. Township of York deemed senior township.

5.—(1) William A. Clarke, Clerk of the Township of York (or the acting clerk of such township for the time being), is hereby appointed returning officer at the first election in the Township of York North. William A. Clarke appointed returning officer.

(2) A meeting of electors for the nomination of candidates for reeve, deputy-reeve and councillors for the Township of York North shall be held at 12 o'clock noon on the second Saturday following the declaration of the result of the vote on the question at the public school of section No. 4 Willowdale, of which nomination the returning officer shall give six days' notice by posting the same up in at least six conspicuous places in the said Township of York North, and the polling, in case a poll is required, shall be held on the next Saturday after such nominations. Nomination meeting place: notice of date of polling if necessary.

(3) The returning officer shall preside at the nomination meeting, and in case of his absence the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer, and the returning officer or chairman shall at the close of the nomination announce the polling places for the said election. Procedure at nomination meeting.

4.

Polling subdivisions.

(4) The polling subdivisions shall be the same as at the vote on the question.

Application provisions Rev. Stat. c. 192.

(5) Except as herein otherwise provided, the provisions of *The Municipal Act* shall apply as if the election were being held under that Act.

Election of council: appointment of deputy returning officers.

6. The said returning officer, by his warrant, shall appoint a deputy returning officer for each of the polling subdivisions, and such returning officer and each deputy returning officer shall, before the holding of the said election, take the oath or affirmation required by law, and shall be subject to all the provisions of *The Municipal Act* applicable to returning officers at elections in townships in so far as the same do not conflict with this Act, and the said returning officer shall have all the powers and perform all the duties devolving on township clerks with respect to the elections in townships.

First meeting of the council.

7. The first meeting of the council shall be held at the public school house of section No. 4, Willowdale, at 12 o'clock noon on the Saturday next following the polling, and if no poll is required, then on the Saturday next following the day of nomination.

Number of councillors.

8. At the first election, the council of the Township of York North shall consist of a reeve, a deputy-reeve and three councillors, and at the next annual election and thereafter the number of deputy-reeves and councillors shall be determined by *The Municipal Act*.

Provisions of Rev. Stat. c. 195, sections 23 and 192 to apply.

9. The provisions of section 23 of *The Assessment Act* as to the assessment of lands of non-residents and the provisions of section 192 of that Act relating to the collection of arrears of taxes on land and the sale of land for arrears of taxes shall apply to the Township of York North as if the Township of York North were specially named therein, and the provisions of all special Acts of this Legislature relating to the Township of York, in so far as they are applicable, shall apply to and be in force in the Township of York North.

Arrears of taxes—Township of York to furnish complete lists—collection by officers of Township of York North.

10. The Township of York shall furnish the Council of the Township of York North with a full and complete list of all lands in arrear for taxes at the time of the coming in force of this Act, and also complete lists of all lands which have been sold within the limits of the Township of York North for taxes but which are are still liable to be redeemed by the owners thereof, and the Reeve, and the Treasurer of the Township of York North shall perform the like duties in the collection and management of the taxes at present in arrear as are performed by the said officers in the Township of York.

5.

11. The assessment roll when completed by the assessors of the Township of York for the year 1922, so far as the same affects property within the limits of the said Township of York North shall be valid to all intents and purposes as if the said assessors had been appointed by the Council of the Township of York North, and the Township of York shall furnish to the Council of the Township of York North for the organization of the said Township of York North, a true and complete copy of the said assessment roll if the same has then been completed or as soon as possible after the same has been completed, and the Council of the Township of York North shall be the Court of Revision to hear any appeals which may be made against the said assessment and any appeals that may have been made to the Township of York shall be deemed to have been made to the Township of York North.

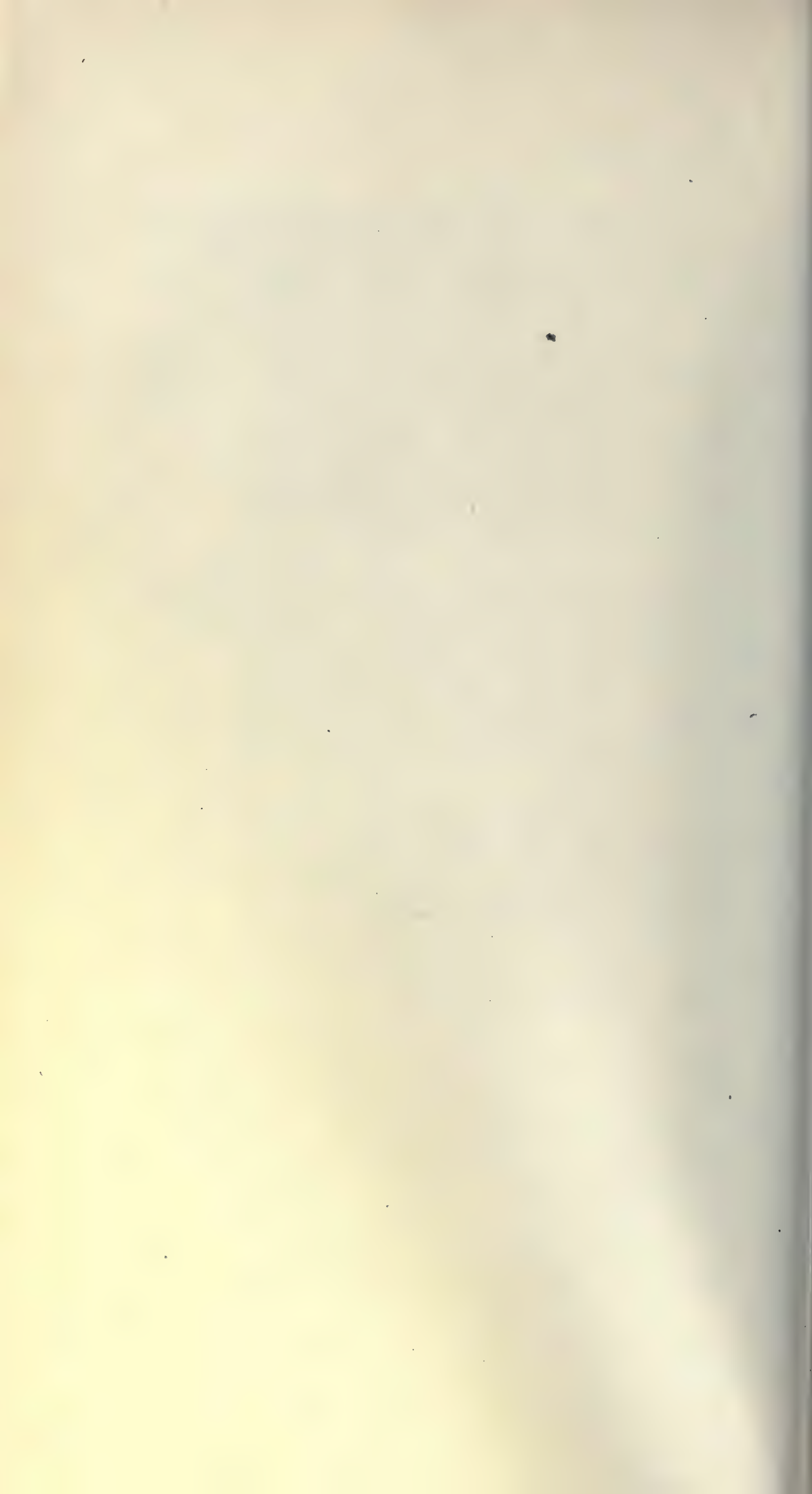
Copy of
assessment
roll for 1922
to be fur-
nished.
Appeals.

12. For the purpose of providing moneys which may be required for the payment of any debt which may be found due or owing by the Township of York North to the Township of York, the Municipal Council of the Township of York North may issue debentures payable within a period not exceeding twenty years and bearing such rate of interest as may be determined by the said council to pay such debt, and it shall not be necessary to obtain the assent of the electors to any by-law for the issuing of such debentures.

Power to
borrow money
on debentures
for payment
debts owed
Township of
York.

13. All expenses incurred in obtaining this Act and the furnishing of any documents, copies of papers, writings, deeds, or any matter whatsoever required by the clerk or other officer of the said Township of York North or otherwise, shall be borne by the said Township of York North and paid by it to any person entitled thereto.

Expenses
of Act.



3rd. Session, 15th. Legislature,
12 George V, 1922.

BILL

An Act to Incorporate a Part of the
Township of York as the Township of
York North.

1st Reading,	1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Private Bill.*)

MR. CURREY.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to incorporate a part of the Township of York as the Township of North York.

WHEREAS James Muirhead, W. J. Buchanan, Roy Riseborough, W. C. Snider and John A. Brumwell and other persons, inhabitants and ratepayers of that part of the Township of York in the County of York, hereinafter more particularly described and which may be known as the northern part of the said township, have by petition set forth that that part of the said Township of York, hereinafter more particularly described, is largely rural in character and occupied almost altogether for farming purposes, while that part lying to the south of the said line, being the southern portion, is almost entirely urban in its character and thickly populated and requires a different municipal administration from that required by the northern part of the said township; and whereas in view of such conditions the said petitioners have prayed that an Act be passed separating the said district, hereinafter more particularly described, and incorporating it as the Township of North York; and whereas it is expedient to grant the prayer of the said petition:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1.—(1) It shall be the duty of the Corporation of the Township of York within five weeks after the *day on which this section comes into force* to submit to the municipal electors in that part of the Township of York described as follows: commencing at the north-east angle of the Township of York; thence southerly along the easterly limit of said Township of York to the southerly limit of lot three in the Third Concession from the Bay; Thence westerly along the southerly limit of lots three, eight and thirteen in said Third Concession from the Bay to the east limit of the Town of Leaside; thence north-easterly and northerly and along the easterly limit of said Town of Leaside following its various

Question of separation of certain described area—submission to electors.

courses to the northerly limit of said town; thence westerly along the northerly limit of said Town of Leaside to the westerly limit thereof; thence southerly along the westerly limit of the Town of Leaside to the northerly limit of Eglinton Avenue; thence westerly to the south-east angle of lot one, Concession One east of Yonge Street being the northerly limit of part of the City of Toronto, (formerly the Town of North Toronto) annexed to the City by order of the Railway and Municipal Board dated the 31st October, 1912; thence westerly, northerly, westerly and southerly following the limits of the former Town of North Toronto as annexed to the City of Toronto by said order of the Railway and Municipal Board to the intersection with the southerly limit of lot three in the First Concession west of Yonge Street; thence westerly along the southerly limits of lots three in the First, Second, Third and Fourth Concessions west of Yonge Street to the intersection with the right of way of the Canadian Pacific Railway; thence north-westerly along the limits of said Canadian Pacific Railway right of way to the south-east angle of the Town of Weston; thence northerly, easterly, northerly, westerly and again northerly and westerly following the limits of the said Town of Weston to the centre of the River Humber, being the westerly boundary of the said Township of York; thence northerly and along the said westerly boundary of the Township of York to the northerly limit of said Township of York; thence easterly along the northerly limit of said Township of York to the place of beginning, the following question:—





“Are you in favor of the incorporation of the northern part of the Township of York as set out in the Act of the Legislature of Ontario, passed in 1922, as the Township of North York?”



(2) The polling subdivisions shall be the same as nearly as may be, as at the last municipal election, and that part of any polling subdivision which lies north of the southerly boundary of the lands hereinbefore described, shall for the purpose of the vote be deemed a polling subdivision and when a polling subdivision is so divided, the clerk of the township shall strike off the list the names of all voters not qualified to vote in that part of the polling subdivision lying north of such southerly boundary. The Clerk of the Township of York shall be the returning officer for the taking of the said vote and the voters' list for the year 1921 as finally revised shall be the list used in the preparation of the voters' list for the taking of the said vote.


3.

(3) The provisions of the Municipal Act shall apply to the taking of the said vote.


(4) This section shall come into force on the day upon which this Act receives the Royal Assent.  When section comes into force.

2. If a majority of those voting vote in the affirmative in answer to the question submitted according to the declaration of the result by the Clerk of the Township of York, the following sections of this Act shall come into force on the day following such declaration. The declaration shall be made not later than noon of the Tuesday following the election.  Declaration of result of vote upon questions.

3. The inhabitants of that part of the Township of York hereinbefore more particularly described, are hereby constituted a corporation or body politic separate and apart from the Township of York under the name of the Corporation of the Township of North York, and as such shall enjoy all the rights and privileges and be subject to all the duties and liabilities appertaining to incorporated townships,  and the said part of the Township of York hereinbefore more particularly described is hereby detached from the Township of York and shall form a separate and independent township.  Incorporation of Township of North York.

4.—(1) The provisions of *The Municipal Act* as to matters consequent on the separation of a junior township from a union of townships including the adjustment of assets, debts, *arrears of taxes, contracts* and liabilities shall apply except,  Adjustment of assets and liabilities.

(a) All matters in dispute between the two corporations shall be determined by the Ontario Railway and Municipal Board; and

 (b) The taxes for the year 1922 on the rateable property in the Township of North York shall be levied by and belong to the Township of North York, and the said Township of North York shall pay over to the Township of York such portion of taxes collected in 1922 as may be fixed and determined by the Ontario Railway and Municipal Board. The expenditures and liabilities for the year 1922 shall be con-

sidered by the said Board in determining the amount payable to the Township of York.

(2) The said board for the purposes of this Act shall be deemed to be the Board of Arbitrators appointed under *The Municipal Act* and the award of the board shall be final and conclusive and without appeal.

Arbitration—
award of
Board to be
final.

(3) For the purposes of this section the Township of York shall be deemed to be the senior township and the Township of North York the junior township.

Township of
York deemed
senior town-
ship.

William A.
Clarke
appointed
returning
officer.

5.—(1) William A. Clarke, Clerk of the Township of York (or the acting clerk of such township for the time being), is hereby appointed returning officer at the first election in the Township of North York.

Nomination
meeting
place: notice
of date of
polling if
necessary.

(2) A meeting of electors for the nomination of candidates for reeve, deputy-reeve and councillors for the Township of North York shall be held at 12 o'clock noon on the second Saturday following the declaration of the result of the vote on the question at the public school of section No. 4 Willowdale, of which nomination the returning officer shall give six days' notice by posting the same up in at least six conspicuous places in the said Township of North York, and the polling, in case a poll is required, shall be held on the next Saturday after such nominations.

Procedure at
nomination
meeting.

(3) The returning officer shall preside at the nomination meeting, and in case of his absence the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer, and the returning officer or chairman shall at the close of the nomination announce the polling places for the said election.

Polling sub-
divisions.

(4) The polling subdivisions shall be the same as at the vote on the question.

Application
provisions
Rev. Stat.
c. 192.

(5) Except as herein otherwise provided, the provisions of *The Municipal Act* shall apply as if the election were being held under that Act.

Election of
council:
appointment
of deputy re-
turning
officers.

6. The said returning officer, by his warrant, shall appoint a deputy returning officer for each of the polling subdivisions, and such returning officer and each deputy returning officer shall, before the holding of the said election, take the oath or affirmation required by law, and shall be subject to all the provisions of *The Municipal Act* applicable to returning officers at elections in townships in so far as the same do not conflict with this Act, and the said returning officer shall have all the powers and perform all the duties devolving on township clerks with respect to the elections in townships.

5.

7. The first meeting of the council shall be held at the public school house of section No. 4, Willowdale, at 12 o'clock noon on the Saturday next following the polling, and if no poll is required, then on the Saturday next following the day of nomination.

First meeting
of the council.

8. At the first election, the council of the Township of North York shall consist of a reeve, a deputy-reeve and three councillors, and at the next annual election and thereafter the number of deputy-reeves and councillors shall be determined by *The Municipal Act*.

Number of
councillors.

9. The provisions of section 23 of *The Assessment Act* as to the assessment of lands of non-residents and the provisions of section 192 of that Act relating to the collection of arrears of taxes on land and the sale of land for arrears of taxes shall apply to the Township of North York as if the Township of North York were specially named therein, and the provisions of all special Acts of this Legislature relating to the Township of York, in so far as they are applicable, shall apply to and be in force in the Township of North York.

Provisions of
Rev. Stat.
c. 195, sec-
tions 23 and
192 to apply.

10. The Township of York shall furnish the Council of the Township of North York with a full and complete list of all lands in arrear for taxes at the time of the coming in force of this Act, and the Reeve, and the Treasurer of the Township of North York shall perform the like duties in the collection and management of the taxes at present in arrear as are performed by the said officers in the Township of York. The Reeve and officers of the Township of York shall have full power and authority to make deeds for lands heretofore sold by the Treasurer of the Township of York for taxes, if such lands are not redeemed, and to do all acts necessary or expedient to complete the sales of lands or the redemption of same in as full a manner as if this Act had not been passed.

Arrears of
taxes—Town-
ship of York
to furnish
complete lists
collection by
officers of
Township of
York North.

11. The assessment roll when completed by the assessors of the Township of York for the year 1922, so far as the same affects property within the limits of the said Township of North York shall be valid to all intents and purposes as if the said assessors had been appointed by the Council of the Township of North York and the Township of York shall furnish to the Council of the Township of North York for the organization of the said Township of North York, a true and complete copy of the said assessment roll if the same has then been completed or as soon as possible after the same has been completed, and the Council of the Township of North York shall be the Court of Revision to hear

Copy of
assessment
roll for 1922
to be fur-
nished.
Appeals.

any appeals which may be made against the said assessment and any appeals that may have been made to the Township of York shall be deemed to have been made to the Township of North York.

Power to
borrow money
on debenture
for payment
debts owed
Township of
York.

12. For the purpose of providing moneys which may be required for the payment of any debt which may be found due or owing by the Township of North York to the Township of York, the Municipal Council of the Township of North York may issue debentures payable within a period not exceeding twenty years and bearing such rate of interest as may be determined by the said council to pay such debt, and it shall not be necessary to obtain the assent of the electors to any by-law for the issuing of such debentures.



13. All expenses incurred in obtaining this Act, including the expenses and charges incurred in submitting the question provided by Section 1, the furnishing of any documents, copies of papers, writings, deeds, the remuneration of the Township Clerk of York for services under this Act or any matter whatsoever required by the Clerk or other officer of the said Township of North York, or otherwise, shall be borne by the said Township of North York and paid by it to any person entitled thereto.



No. 22

3rd. Session, 15th. Legislature,
12 George V, 1922.

BILL

An Act to incorporate a Part of the
Township of York as the Township of
North York.

1st Reading, 23rd February, 1922.
2nd Reading, 1922.
3rd Reading, 1922.

*(Reprinted as amended by the Private
Bills Committee.)*

MR. CURRY,

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to incorporate Ottawa Street Incline Company.

WHEREAS Thomas Hamilton Simpson, Robert Henry Preamble.

Baxter and Frederick Harold McCallum, all of the City of Hamilton in the County of Wentworth, John Ross Simpson of the City of Toronto in the County of York and William Brown Clark Bradley of the City of New York in the State of New York, one of the United States of America, have by their petition, prayed for an Act to incorporate them and others under the name and style of *Ottawa Street Incline Company* for the purpose of constructing and operating an Incline Railway for the public convenience from some point at or near the southerly end of Ottawa Street in the City of Hamilton in the County of Wentworth up to the brow or summit of the escarpment or mountain adjacent thereto, in the Township of Barton in the said County of Wentworth; and whereas it is expedient to grant the prayer for the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Thomas Hamilton Simpson, Robert Henry Baxter and Incorporation.
Frederick Harold McCallum all of the City of Hamilton in the County of Wentworth, John Ross Simpson of the City of Toronto in the County of York, and William Brown Clark Bradley of the City of New York in the State of New York, one of the United States of America, together with such other persons and corporations as shall in pursuance of this Act become shareholders in the Company hereby incorporated shall be and are hereby constituted a body corporate and politic, by and under the name of *Ottawa Street Incline Company*.

Power to
construct
and operate
railway.

2. The said Company hereby incorporated and its agents and servants shall have full power and authority under this Act to construct complete and operate an Incline Railway from some point at or near the southerly end of Ottawa Street in the City of Hamilton in the County of Wentworth to the brow or summit of the escarpment or mountain adjacent thereto in the Township of Barton in the County Wentworth.

Gauge of
railway.

3. The said Railway may be of any gauge.

Provisional
Directors.

4. The said Thomas Hamilton Simpson, Robert Henry Baxter, Frederick Harold McCallum, John Ross Simpson and William Brown Clark Bradley with power to add to their number shall be and are hereby constituted a Board of Provisional Directors of the said Company of whom a majority shall be a quorum and shall hold office as such until the first election of directors under this Act.

Capital
stock.

5. The capital stock of the Company hereby incorporated shall be Five Hundred Thousand dollars (\$500,000) to be divided into Five Thousand (5,000) shares of One Hundred dollars (\$100) each and shall be raised by the persons and corporations who may become shareholders in such Company.

Borrowing
money.

6. The said Company subject to the provision of *The Ontario Railway Act* may borrow money upon such securities and in such amounts as the directors may decide.

Acquiring and
disposing
of lands.

7. Any municipality through which the said railway may pass, or is situate, is empowered to grant, by way of gift to the said Company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of said railway; and the said railway company shall have power to accept gifts of land from any government, or any person, or body corporate, or politic; and shall have power to sell or otherwise dispose of the same for the benefit of the said Company.

3.

8. Any municipality through which the said railway passes and having jurisdiction in the premises, may pass a by-law or by-laws empowering the said Company to make its road and lay its rails along, over, above or upon any of the highways within such municipality, and whether or not the same be in the possession or under the control of any joint stock company and if such highway be either in the possession of or under the control of any joint stock company, then with the assent of such company, and it shall and may be lawful for the said company to enter into and perform any such agreements as it may from time to time deem expedient, with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway.

Municipalities may empower company to build upon its highways; company may enter into agreement for maintenance, etc., of same.

9. The said Company shall in respect of lands lying between the said proposed terminal points of the Railway herein mentioned and of such width as is necessary for the purposes of the Company and also in respect of lands required for stations, depots, yards, and other structures or space for the accommodation of traffic incidental thereto, possess all the powers conferred upon railway companies by *The Ontario Railway Act* relating to the taking of land without the consent of the owner.

Power to expropriate lands between terminals.

Rev. Stat. c. 185.

10. It shall be lawful for the corporation of any municipality, through any part of which the Railway of the said Company passes, or in which it is situate, by by-law specially passed for that purpose, to exempt the said Company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Municipalities may exempt or grant fixed assessment to company.

11. It shall be lawful for the Directors of the Company to enter into agreement with any company or companies, if lawfully authorized to enter into such agreement, person or persons, for the leasing, hiring or use of any locomotives, carriages, rolling stock, and other movable property or rights

Power to enter into agreement, etc., for leasing rolling stock, rights-of-way, etc.

4.

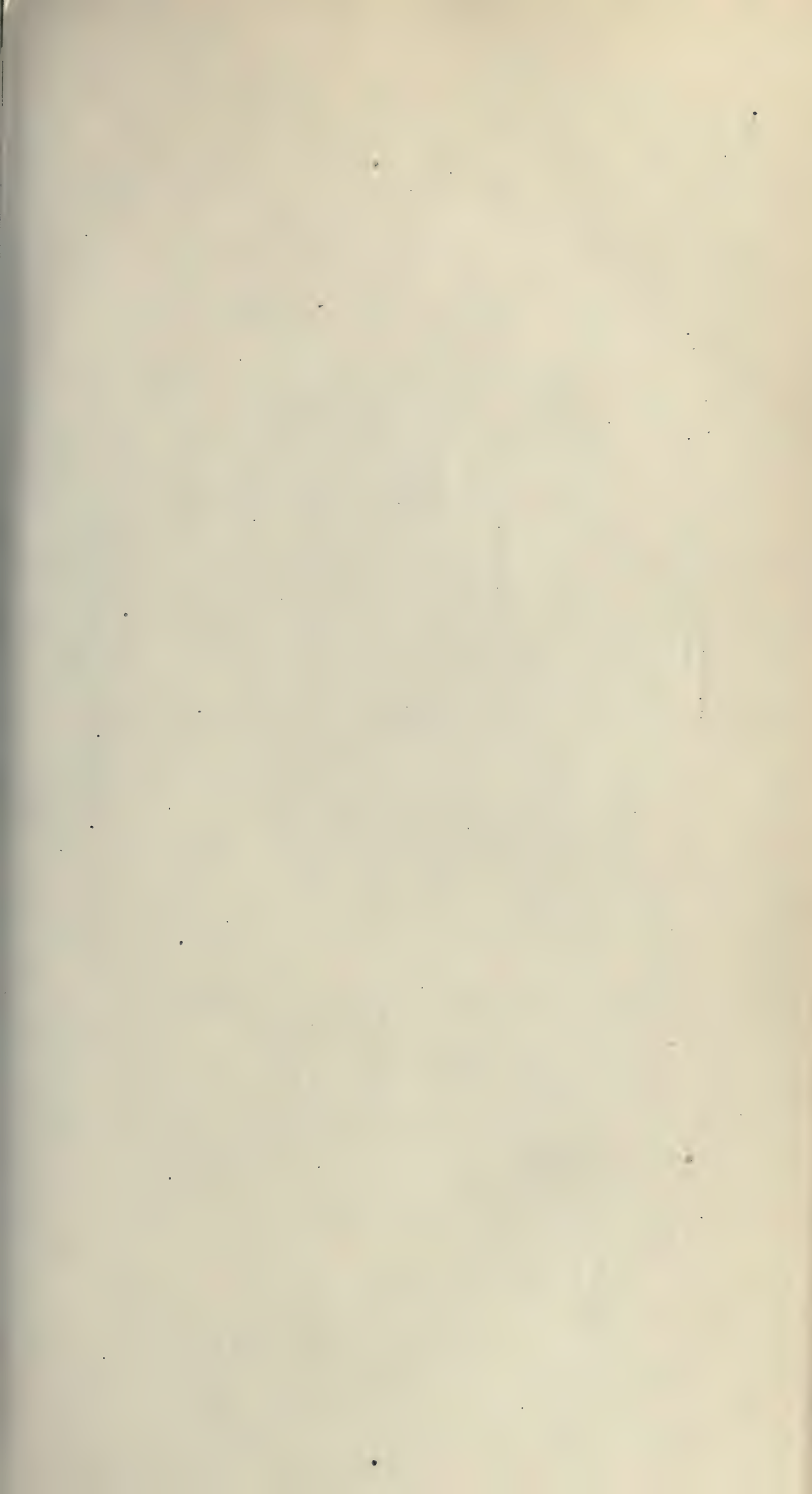
of way or other property from such companies, or persons, for such time or times, and on such terms as may be agreed on; and also to enter into agreement with any railway company, or companies, if so lawfully authorized, for the use, by one or more of such contracting companies, of the locomotives, carriages, rolling stock, and other movable property or rights of way or other property of the other, or others of them, on such terms as to compensation and otherwise, as may be agreed upon.

12. The said Company may construct an electric telegraph line and a telephone line in connection with its railway and the powers set forth in sections 62, 63 and 64 of *The Ontario Railway Act* are hereby conferred upon the said Company.

Power to construct telephone and telegraph lines.
Rev. Stat. c. 185.

13. For the due carrying out of the objects of the said Company and of this Act the several clauses of *The Ontario Railway Act* and of every Act in amendment thereof shall be incorporated with and form part of this Act and shall apply to the said Company and to the Railway to be constructed by it, except only so far as they may be inconsistent with the express enactments hereof.

Provision of Rev. Stat. c. 85 to apply where not inconsistent.



3rd. Session, 15th. Legislature,
12 George V, 1922.

BILL.

An Act to to incorporate Ottawa Street
Incline Company

1st Reading	1922.
2nd Reading	1922.
3rd Reading	1922.

(*Private Bill.*)

MR. CROCKETT.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to incorporate *The Ottawa Street Incline Railway Company of Hamilton.*

WHEREAS Thomas Hamilton Simpson, Robert Henry Baxter and Frederick Harold McCallum, all of the City of Hamilton in the County of Wentworth, John Ross Simpson of the City of Toronto in the County of York and William Brown Clark Bradley of the City of New York in the State of New York, one of the United States of America, have by their petition, prayed for an Act to incorporate them and others under the name and style of *The Ottawa Street Incline Railway Company of Hamilton* for the purpose of constructing and operating an incline railway for the public convenience from some point at or near the southerly end of Ottawa Street in the City of Hamilton, in the County of Wentworth, up to the brow or summit of the escarpment or mountain adjacent thereto, in the Township of Barton in the said County of Wentworth; and whereas it is expedient to grant the prayer for the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Thomas Hamilton Simpson, Robert Henry Baxter and Frederick Harold McCallum all of the City of Hamilton in the County of Wentworth, John Ross Simpson of the City of Toronto in the County of York, and William Brown Clark Bradley of the City of New York in the State of New York, one of the United States of America, together with such other persons and corporations as shall in pursuance of this Act become shareholders in the Company hereby incorporated shall be and are hereby constituted a body corporate and politic, by and under the name of *The Ottawa Street Incline Railway Company of Hamilton*.

Power to
construct
and operate
railway.

2. The said Company hereby incorporated and its agents and servants shall have full power and authority under this Act to construct, complete and operate an Incline Railway from some point at or near the southerly end of Ottawa Street in the City of Hamilton in the County of Wentworth to the brow or summit of the escarpment or mountain adjacent thereto in the Township of Barton in the County of Wentworth.

Gauge of
railway.

3. The said Railway may be of any gauge.

Provisional
Directors.

4. The said Thomas Hamilton Simpson, Robert Henry Baxter, Frederick Harold McCallum, John Ross Simpson and William Brown Clark Bradley with power to add to their number shall be and are hereby constituted a Board of Provisional Directors of the said Company of whom a majority shall be a quorum and shall hold office as such until the first election of directors under this Act.

Capital
Stock.

5. The capital stock of the Company hereby incorporated shall be Five Hundred Thousand dollars (\$500,000) to be divided into Five Thousand (5,000) shares of One Hundred dollars (\$100) each and shall be raised by the persons and corporations who may become shareholders in such Company.

Borrowing
money.

6. The said Company subject to the provision of *The Ontario Railway Act* may borrow money upon such securities and in such amounts as the directors may decide.

Power to
expropriate
lands between
terminals.

7. The said Company shall in respect of lands lying between the said proposed terminal points of the Railway herein mentioned and of such width *not exceeding 100 feet* as is necessary for the purposes of the Company and also in respect of lands required for stations, depots, yards, and other structures or space for the accommodation of traffic incidental thereto, possess all the powers conferred upon railway companies by *The Ontario Railway Act* relating to the taking of land without the consent of the owner.

Rev. Stat.
c. 185.

3.

8. The said Company may construct an electric telegraph line and a telephone line in connection with its railway and the powers set forth in sections 62, 63 and 64 of *The Ontario Railway Act* are hereby conferred upon the said Company.

Power to construct telephone and telegraph lines.
Rev. Stat. c. 185.

9. For the due carrying out of the objects of the said Company and of this Act the several clauses of *The Ontario Railway Act* and of every Act in amendment thereof shall be incorporated with and form part of this Act and shall apply to the said Company and to the Railway to be constructed by it, except only so far as they may be inconsistent with the express enactments hereof.

Provision of Rev. Stat. c. 85 to apply where not inconsistent.

3rd. Session 15th Legislature,
12 George V, 1922.

BILL.

An Act to incorporate *The Ottawa Street
Incline Railway Company of
Hamilton.*

1st Reading,	7th March, 1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Reprinted as amended
by the Private Bills Committee.*)

MR. CROCKETT.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to incorporate *The Ottawa Street Incline Railway Company of Hamilton.*

WHEREAS Thomas Hamilton Simpson, Robert Henry Baxter and Frederick Harold McCallum, all of the City of Hamilton in the County of Wentworth, John Ross Simpson of the City of Toronto in the County of York and William Brown Clark Bradley of the City of New York in the State of New York, one of the United States of America, have by their petition, prayed for an Act to incorporate them and others under the name and style of *The Ottawa Street Incline Railway Company of Hamilton* for the purpose of constructing and operating an incline railway for the public convenience from some point at or near the southerly end of Ottawa Street in the City of Hamilton, in the County of Wentworth, up to the brow or summit of the escarpment or mountain adjacent thereto, in the Township of Barton in the said County of Wentworth; and whereas it is expedient to grant the prayer for the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Thomas Hamilton Simpson, Robert Henry Baxter and Frederick Harold McCallum all of the City of Hamilton in the County of Wentworth, John Ross Simpson of the City of Toronto in the County of York, and William Brown Clark Bradley of the City of New York in the State of New York, one of the United States of America, together with such other persons and corporations as shall in pursuance of this Act become shareholders in the Company hereby incorporated shall be and are hereby constituted a body corporate and politic, by and under the name of *The Ottawa Street Incline Railway Company of Hamilton*.

Power to
construct
and operate
railway.

2. The said Company hereby incorporated and its agents and servants shall have full power and authority under this Act to construct, complete and operate an Incline Railway from some point at or near the southerly end of Ottawa Street in the City of Hamilton in the County of Wentworth to the brow or summit of the escarpment or mountain adjacent thereto in the Township of Barton in the County of Wentworth.

Gauge of
railway.

3. The said Railway may be of any gauge.

Provisional
Directors.

4. The said Thomas Hamilton Simpson, Robert Henry Baxter, Frederick Harold McCallum, John Ross Simpson and William Brown Clark Bradley with power to add to their number shall be and are hereby constituted a Board of Provisional Directors of the said Company of whom a majority shall be a quorum and shall hold office as such until the first election of directors under this Act.



Capital
Stock.

5. The capital stock of the Company hereby incorporated shall be Five Hundred Thousand dollars (\$500,000) to be divided into Five Thousand (5,000) shares of One Hundred dollars (\$100) each and shall be raised by the persons and corporations who may become shareholders in such Company.

Borrowing
money.

6. The said Company subject to the provision of *The Ontario Railway Act* may borrow money upon such securities and in such amounts as the directors may decide.

Power to
expropriate
lands between
terminals.

7. The said Company shall in respect of lands lying between the said proposed terminal points of the Railway herein mentioned and of such width *not exceeding 100 feet* as is necessary for the purposes of the Company and also in respect of lands required for stations, depots, yards, and other structures or space for the accommodation of traffic incidental thereto, possess all the powers conferred upon railway companies by *The Ontario Railway Act* relating to the taking of land without the consent of the owner,  provided, however, that the said Company shall not have authority to construct its Incline Railway and works or lay its rails upon, along, over, above or across any highways of the Corporation of the City of Hamilton within the said City or to so take any lands within the limits of the City of Hamilton belonging to the Corporation of the City of Hamilton or to go over or through any of such lands without first obtaining the consent of the Council of such Corporation signified by a By-law of the said Council. 

Rev. Stat.
c. 185.

3.

8. The said Company may construct an electric telegraph line and a telephone line in connection with its railway and the powers set forth in sections 62, 63 and 64 of *The Ontario Railway Act* are hereby conferred upon the said Company.

Power to construct telephone and telegraph lines.
Rev. Stat. c. 185.

9. The said Company and the said City are hereby empowered to enter into an agreement for the construction and operation of the said Incline Railway and the right of the company to use or occupy any of the highways of the said City, on such terms as may be mutually agreed upon; and such agreement may provide for a fixed assessment of the lands and works of the Company.

Agreement between company and city.

10. The Company and the Corporation of the Township of Barton may enter into an agreement respecting the construction and operation of said railway and the right of the company to use or occupy any of the highways of the said Corporation of the Township of Barton.

Agreement between company and Township of Barton.

11. The construction of the Incline Railway of the Company shall be commenced within four months of the making of the agreement with the said city and shall be completed and in operation within eighteen months of the date thereof.

Time of commencement of construction and completion.

12. This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of Act.

No. 23.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act to incorporate *The Ottawa Street
Incline Railway Company of
Hamilton.*

1st Reading,	7th March, 1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Reprinted as further amended
by the Private Bills Committee.*)

MR. CROCKETT.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Town of Collingwood.

WHEREAS the Municipal Corporation of the Town of Collingwood has by its petition represented that such corporation has incurred for the purpose among others, of aiding manufacturies and for public improvements of a permanent character an indebtedness to the extent of \$151,631.04 of which amount debentures for \$114,278.74 have from time to time been issued, all of which debenture indebtedness both principal and interest fall due and become payable within the next twenty years, and none of such debenture indebtedness either for principal or interest is now in arrears; and it has been further represented that no funds have been provided by way of sinking funds or otherwise for redeeming the said debentures (except the sum of \$8,549.12) the said debentures being repayable in equal annual instalments; and whereas by an agreement bearing date the 23rd day of November, A.D. 1921, the said corporation has entered into an agreement with one William T. Stephens, an electrical engineer, to lease part of the Smelter property within the limits of the said corporation, formerly owned and operated by William Kennedy & Sons, Limited, (but now owned by the said corporation) as a site for the establishment of an electro-metallurgic industry, and in order to aid the said William T. Stephens in the establishment of the said electro-metallurgic industry, agreed to purchase certain electric plant and machinery which had been used by the said William Kennedy & Sons, Limited, in connection with their business, and the said corporation in fulfilment of the said agreement purchased such electric plant and machinery and paid therefor the price or sum of \$4,000; and whereas the said corporation has by its petition represented that to pay off the said debenture indebtedness with interest as the same becomes due, in addition to paying a floating debt of \$37,352.30 now due, and to pay the ordinary annual expenditures and burdens, it would be unduly oppressive to the ratepayers; and whereas the said corporation has prayed that the said floating debts of \$37,352.30 be consolidated and that it may be authorized to borrow by the issue of debentures to discharge the said floating debts and that the said corporation further

Preamble.

prays, that the said debenture indebtedness be consolidated and that such corporation may be authorized to issue consolidated debentures from time to time in accordance with its requirements not exceeding in the whole the sum of \$105,729.62 for the redemption of the said debentures, as they severally fall due, also to ratify and confirm the said agreement with the said William T. Stephens and to validate the payment by the council of the said corporation of the said sum of \$4,000 the purchase price of the said electric plant and machinery; and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Consolidation of floating debt and authority to borrow money on debentures to pay off same.

1. The said debts of the said Town of Collingwood referred to as a floating debt are hereby consolidated at the sum of \$37,352.30, and it shall be lawful for the said Corporation of the Town of Collingwood to raise by way of a loan or loans on the credit of the said Corporation at large and by debentures as hereinafter mentioned, and by this Act authorized to be issued from any person or persons or body corporate a sufficient sum or sums to pay off the said floating indebtedness of \$37,352.30.

Consolidation of existing debenture indebtedness and authority to issue consolidated debt debentures to retire same.

2. The said debenture indebtedness of the said Town of Collingwood, the particulars whereof are set forth in the schedule hereto marked "A", are hereby consolidated at the sum of \$105,729.62 and it shall be lawful for the said Corporation of the Town of Collingwood to raise from time to time by way of loans on the credit of the said corporation at large and by consolidated debt debentures as hereinafter mentioned and by this Act authorized to be issued, a sufficient sum or sums to retire the said net debenture indebtedness amounting to \$105,729.62 as and when the said debentures severally become due and payable not exceeding in the whole the sum of \$105,729.62 exclusive of the interest thereon, and not exceeding in any one year the total principal amount of the debentures falling due in that year as shown in schedule "B" hereto.

Issue of debentures to retire floating debt of \$37,352.30.

3. It shall be lawful for the said Corporation of the Town of Collingwood, from time to time, to pass a by-law or by-laws for the issue of debentures under its corporate seal, in such sum of not less than \$100 and not exceeding \$37,352.30 in the whole, as the said corporation may from time to time direct, and the principal sum secured by said debentures and the interest accruing thereon at any rate not

exceeding six per cent. may be payable at such place or places as the said corporation may deem expedient, and the sum or sums realized upon the sale of such debentures shall be applied to discharge the said floating indebtedness of \$37,352.30.

4. It shall also be lawful for the said Corporation of the Town of Collingwood from time to time to pass a by-law or by-laws providing for the issue of debentures to be known as the Consolidated Debt Debentures not exceeding the sum of \$105,729.62 in the whole and not exceeding in any one year the total principal amount (exclusive of the interest thereon) of the debentures falling due in that year, as appears in schedule "B" hereto, and the principal sum secured by said debentures and the interest accruing thereon not exceeding six per cent. per annum, may be made payable at such place or places and in such currency as the said corporation may deem expedient.

Issue of consolidated debt debentures for \$105,729.62.

5. The said consolidated debt debentures and the first mentioned debentures shall be issued within one year after the passing of the by law or by-laws severally authorizing the same, and shall bear such rate of interest, not exceeding six per cent. per annum, as the council may by by-law or by-laws authorizing the same provide, and such debentures shall be payable in not more than twenty years from the date of issue and the principal of the said debt shall be payable in yearly sums during a period not exceeding twenty years, of such amounts respectively, that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to the amount so payable for principal and interest in each of the other years of the period in which the debentures are payable.

Terms of debentures—repayable in equal annual instalments of principal and interest.

6. The said corporation shall levy and collect in addition to all other rates to be levied in each year a special rate on all the rateable property in said town sufficient to pay the amount falling due annually for principal and interest in respect of the consolidated debt debentures issued under the authority of this Act.

Special annual rate to pay principal and interest.

7. The said debentures and all moneys arising therefrom shall be applied by the said corporation in discharging the said floating debt of \$37,352.30 and in the redemption of the debentures of the Town of Collingwood to the amount of \$105,729.62 as and when the said debentures severally fall due.

Application of moneys.

Power to purchase outstanding debentures with funds raised from sale of consolidated loan debentures.

8. The said Corporation of the Town of Collingwood may from time to time purchase from the holder or holders thereof any of the outstanding debentures set out in schedule "A" hereto with funds raised by the sale of consolidated debt debentures issued under the authority of this Act or may exchange consolidated debt debentures authorized by this Act for any outstanding debentures set out in said schedule "A" hereto, and for such purposes the said corporation may from time to time issue consolidated debt debentures under the authority of this Act.

Assent of electors not required to by-laws passed under this Act.

9. It shall not be necessary to obtain the assent of the ratepayers of the said Town of Collingwood to the passing of any by-law, which shall be passed, under the provisions of this Act, or to observe the formalities in relation thereto, prescribed by *The Municipal Act* in that behalf.

Rev. Stat. c. 192.

Treasurer to keep Book of Account open for inspection.

10. It shall be the duty of the treasurer of the said town from time to time to keep, and it shall be the duty of each of the members from time to time, of the said municipal council to procure such treasurer to keep and see that he does keep a proper book of account setting forth a full and particular statement so that the same shall at all times show the number of consolidated debt debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts thereof, and the times at which the said consolidated debt debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or negotiations of the said consolidated debt debentures, and the application which shall from time to time be made of the amounts so realized, and the said book of accounts and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the consolidated debt debentures, which shall be issued under the powers hereby conferred.

Irregularity of debentures not to invalidate.

11. Any provision in the Act respecting Municipal Institutions in the Province of Ontario which is or may be inconsistent with the provisions of this Act or any of them shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said consolidated debt debentures or any of them by this Act authorized to be issued or of the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said consolidated debt debentures.

tures and interest or any or either of them or any part thereof and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing any such by-laws or of the issue of such consolidated debt debentures or as to the application of the proceeds derived from the sale thereof.

12. Nothing in this Act contained shall be held or taken to discharge the Corporation of the Town of Collingwood from any debt or liability which may not be included in the said statement of indebtedness referred to as a floating debt of \$37,352.30.

Act not to
affect liability
for floating
debt.

13. The said agreement, bearing date the 23rd day of November, A.D. 1921, made between the said corporation and the said William T. Stephens, set forth as schedule "C" hereto is declared legal, valid and binding upon the said municipal corporation and the ratepayers thereof, and that the payment of the said sum of \$4,000 by the council of the said corporation to the Wilson-McGovern Co., Limited, on or about the 29th day of September, 1921, as the purchase price of an electric furnace and other electrical plant and equipment, in pursuance of the said agreement, is hereby declared to be legal and valid and binding upon the said municipal corporation and the ratepayers thereof, notwithstanding any want of authority of the said council of the said corporation to enter into the said agreement or to make such payment as aforesaid.

Agreement
between town
and William
T. Stephens
declared valid.

14. It shall not be necessary for the said corporation to levy for or provide for any sinking funds to retire the debentures issued under the authority of this Act.

No sinking
fund required.

SCHEDULE "A"

Showing debts to be paid off by debentures, by this Act, authorized to be issued.

Floating debt of the said corporation amounting to..	\$37,352 30	
Debentures maturing 1929, Collingwood Shipbuilding issue, under By-law Number 546½	\$19,467 80	
Debentures maturing 1932, Harbour Improvement issue, under By-law Number 624	13,090 07	
Debentures maturing 1937, Cramp Steel issue, under By-law Number 630....	3,141 61	
Debentures maturing 1930, Public School issue, under By-law Number 764....	8,382 24	
Debentures maturing 1931, Public School issue, under By-law Number 765....	18,248 95	
Debentures maturing 1931, Fire Hall issue, under By-law Number 766....	8,516 15	
Debentures maturing 1935, Waterworks issue, under By-law Number 859....	10,431 92	
Debentures maturing 1927, Patriotic Fund issue, under By-law Number 882, less sinking fund of \$4,929.02.....	8,070 98	
Debentures maturing 1928, Patriotic Fund issue, under By-law Number 890 less sinking fund of \$3,620.10.....	9,379 90	
Debentures maturing 1931, Soldiers' Memorial issue, under By-law Number 932	7,000 00	105,729 62
		<hr/>
		143,081 92

SCHEDULE "B"

Showing the principal amount of debentures maturing each year, and for which annual amounts consolidated debentures are by this Act authorized to be issued.

1922	Amount of debentures falling due.....	\$6,753 62
1923	" " " ".....	7,052 12
1924	" " " ".....	7,363 92
1925	" " " ".....	7,689 55
1926	" " " ".....	8,029 82
1927	" " " ".....	16,456 18
1928	" " " ".....	18,136 19
1929	" " " ".....	9,144 10
1930	" " " ".....	6,657 64
1931	" " " ".....	12,811 89
1932	" " " ".....	2,699 70
1933	" " " ".....	926 41
1934	" " " ".....	977 36
1935	" " " ".....	1,031 12
		<hr/>
		105,729 62

SCHEDULE "C"

AGREEMENT between the Corporation of the Town of Collingwood and W. T. Stephens dated the 23rd of November, 1921 to aid in the establishment of an Electro-metallurgic Industry within the limits of the Town of Collingwood.

This indenture made in triplicate the 23rd day of November, A. D. 1921.

In pursuance of *The short forms of Leases Act*.

BETWEEN:—

The Municipality of the Corporation of the Town of Collingwood, hereinafter called the Lessor of the first part,
and

William T. Stephens of the Town of Orillia, in the County of Simcoe, electrician, hereinafter called the Lessee, of the second part.

Whereas the said William T. Stephens on behalf of himself and his associates entered into an agreement with the said corporation on the 29th day of September, A. D. 1921, in which he agreed to establish and operate an electro-metallurgic industry within the limits of the Town of Collingwood, it being provided in the said agreement that the said corporation was to furnish suitable premises for the establishment of the said electro-metallurgic smelter and also to furnish certain machinery and equipment to enable the said Lessee to establish, conduct and operate the said business of an electro-metallurgic industry.

AND WHEREAS the said William T. Stephens has requested the said corporation to acquire and lease to him pursuant to the said agreement for the purposes of his said business a part of the lands and premises within the limits of the corporation, known as the Cramp Steel property, and the said corporation has consented to do so.

NOW THEREFORE this Indenture witnesseth that in consideration of the premises and in consideration of the rents, covenants and agreements hereinafter reserved and contained on the part of the said Lessee, the Lessor doth demise and lease, subject to the reservation and exceptions hereinafter mentioned unto the said Lessee, his executors, administrators and assigns.

ALL AND SINGULAR that certain parcel or tract of land and premises, situate lying and being in the Town of Collingwood and being composed of part of the south easterly twenty-five acres of Lot Number 45 in the 10th Concession of the Township of Nottawasaga, and which may be better known and described as follows:—

Commencing at a point at the intersection of the westerly limit of High Street with a northerly limit of the right of way of the Grand Trunk Railway, passing through or over said Lot 45, thence westerly along the said northerly limit of right of way ten hundred and thirty feet more or less to the easterly bank of the Black Ash Creek, thence northerly along said easterly bank one hundred and sixty-three feet, thence easterly parallel with the said northerly limit of right of way of the Grand Trunk Railway ten hundred and thirty feet more or less to the westerly limit of High Street, thence southerly along the said westerly limit of High Street, one hundred and seventy feet more or less to the place of beginning.

But saving and excepting thereout the buildings situate near the southerly limit of the lands hereby leased, now used or to be used as a Hydro sub-station, together with a convenient right of way for foot passengers and vehicles to and from High Street to the said Hydro sub-station, for ingress or egress by the servants and employees of the Lessor or the servants and employees of the Utility Commission of the said corporation.

TO HAVE AND TO HOLD the said demised premises for and during the term of five years to be computed from the first of December, 1921, and from thenceforth next ensuing and fully to be complete and ended.

YIELDING AND PAYING therefor yearly and every year during the said term unto the said Lessor, the sum equal or equivalent to the amount of the taxes chargeable against the said lands and buildings based upon the regular assessment for each year during the said term; such sum or sums to be paid on the first day of December, in each and every year, the first of such payments to become due and to be paid on the 1st day of December, 1922. The Lessor shall have the option of buying the said property at the price of \$5,000 during the life of this lease.

It is further understood by and between the Lessor and Lessee that in case the said Lessee fails to establish, maintain and operate the said Electro-metallurgic Industry for a continuous period of twelve months without the written permission of the Lessor, the Lessor may on two months notice in writing to the Lessee cancel and terminate this lease, and in such case it shall be lawful for the Lessor at any time thereafter to enter into and upon the said premises and to have again, repossess and enjoy the same as of former estate, notwithstanding anything contained in this lease to the contrary

The Lessor agrees to and with the Lessee to give him or his assigns an option exercisable within twelve months from date thereof to purchase the following plant and machinery which is now on the said premises for the price or sum of \$4,000. And the said Lessor agrees to and with the said Lessee to allow him, or his assigns, to use the said plant and machinery in his business carried on, on the said premises for twelve months or until the said option is exercised, provided the said Lessee pays to the said corporation all interest now paid or to be paid by the said Lessor to the Bank of Toronto on account of the sum of \$4,000 advanced by said bank as required by said bank, to the Lessor to purchase the said plant and machinery. And the said Lessee covenants with the said Lessor to keep the said plant and machinery in good repair, and in case the said option is not exercised to deliver the same over, if so required to the Lessor at any time after the expiration of the option to purchase.

The following is the list of plant and machinery referred to in this clause:—

One 5-ton electric furnace, complete with three transformers, 200 K.V.A. furnace, regulators, meters, wiring for connections, winches, crane and other equipment therefor;

One electric Mono-Rail Brown hoist, complete with 1 beam rail and spare parts, two air hoists;

Shafting, pulleys, belting and hangers in east end of stone building.

Blacksmith shop tools and equipment, including one small and one large anvil.

A quantity of magnesite now in the Bar Mill, all the fire hose on the premises and three nozzles, four jib cranes, one steel tank at west end of stone building.

The said Lessee covenants with the said Lessor to pay rent in the manner, amounts and at the time hereinbefore set forth and provided.

And to pay the business assessment taxable against him in respect of the said premises, and to pay water rates and electric light rates.

And to repair reasonable wear and tear, damage by fire and tempest, only excepted.

And to keep up fences;

And that the said Lessor may by its officers or employees enter and view state of repair of the buildings, plant, and equipment upon the said premises;

And that the said Lessee will repair according to notice in writing (reasonable wear and tear, and damage by fire lightning and tempest, only excepted);

And that the Lessee will not assign or sub-let without the written consent of the said Lessor.

And that he will leave the premises in good repair (reasonable wear and tear and damage by fire, lightning and tempest only excepted);

Provided that the Lessee, may at the expiry of the term hereby granted, remove his fixtures, plant and machinery from the said premises;

And provided also that if the term hereby granted shall be at any time seized or taken in execution by any creditor of the said Lessee, or if the Lessee shall become bankrupt or insolvent, then the current years rent determined as aforesaid shall immediately become due and payable, and the said term shall immediately become forfeited and void, and in such case it shall be lawful for the lessor at any time thereafter to enter upon the said premises and repossess and enjoy the same as of former estate, notwithstanding anything herein contained to the contrary.

Proviso for re-entry by the said lessor on nonpayment of rent or non-performance of covenant.

And the said Lessor covenants with the Lessee for the quiet enjoyment of the said premises during the currency of this lease or any renewal thereof.

It is understood and agreed by and between the parties hereto that in case the Lessee shall establish, equip and operate the said electro-metallurgic industry for the term of five years and observe and fulfill his covenants and agreements with the said corporation, to the true intent and spirit thereof, then if so required by the Lessee this lease is to be renewed by the said corporation for a further term of five years on the same terms and conditions as herein reserved and set forth.

And the said Lessor further agrees to and with the said Lessee, his executors, administrators and assigns, that the said corporation will not sell or dispose of the remaining lands or buildings belonging to the said corporation lying to the north and west of the lands hereby leased and demised, without first giving the Lessee due notice of their intentions to do so; and the said Lessee shall have the first right to purchase the said property at a price to be mutually agreed upon between the lessor and the Lessee. The notice referred to herein shall be in writing and may be delivered to the Lessee by registered mail and the Lessee shall within fifteen days after receiving said notice notify the Lessor in writing of his intention to purchase the said lands and buildings at the price fixed or agreed upon by the said parties, and on failure of the Lessee to give such notice and to make satisfactory arrangements for the payment of such purchase price or money, the Lessor shall be at liberty to sell or dispose of such lands and buildings or any part thereof or to otherwise deal with the same in such way or manner as the said corporation may see fit.

And it is further agreed and understood by and between the parties hereto that the said Lessor shall place a policy or policies of fire insurance upon the buildings situate on the lands hereby demised to the extent of their full insurable value or for such lesser sum as the said Lessor shall deem sufficient to protect the several interests of the parties hereto, and that the said Lessor shall insure the plant and machinery hereinbefore mentioned and described for the sum of \$4,000.00 or such lesser sum as it may deem sufficient, and that the Lessee shall pay to the corporation the premium upon such policies of insurance from year to year to the said corporation when and as the said premium or premiums become due and payable upon such policy or policies.

In witness whereof the said Lessee has hereunto set his hand and seal, the day and year first above written.

And in witness whereof the said municipal corporation has hereunto affixed its corporate seal.

Sealed and delivered and countersigned by the Mayor and Clerk of the said corporation.

In the presence of

(Sgd.) JOHN MAIR,
Reeve (Acting Mayor).

(Sgd.) A. K. MAIR,
Clerk.

(Sgd.) W. T. STEPHENS.

(Sgd.) T. B. IVEY,
as to signature of W. T. Stephens.

No. 24.

3rd. Session, 15th. Legislature,
12 George V, 1922.

BILL.

An Act respecting the
Town of Collingwood.

1st Reading,	1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Private Bill.*)

MR. ALLAN.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Town of Collingwood.



WHEREAS the Municipal Corporation of the Town Preamble.
of Collingwood, has by its petition represented that such Corporation has incurred for purpose of aiding manufactories and making improvements of a permanent character, a floating indebtedness to the extent of \$37,352.30; and whereas by an agreement bearing date the 23rd day of November, 1921, the said Corporation entered into an agreement with one William T. Stephens, an electrical engineer, to lease part of the premises known as the Smelter property within the limits of the said Corporation, to him as a site for the establishment of an Electro-metallurgic Industry, and in order to aid the said William T. Stevens in the establishment of the said Industry, the said Corporation agreed to purchase certain Electric plant and machinery, which had been used in the said Smelter when it was in operation, and the said Corporation in fulfillment of the said agreement has purchased such electric plant and machinery and paid therefor the price or sum of \$4,000; and whereas the said Corporation has by its petition represented that to pay off the said floating indebtedness of \$37,352.30 now due and owing and to pay in addition thereto the ordinary annual expenditures and burdens would be unduly oppressive to the ratepayers of the said Town; and whereas the said Corporation has prayed that the said floating indebtedness of \$37,352.30 be consolidated and that it may be authorized to borrow by the issue and sale of debentures sufficient money to discharge the said floating indebtedness: also to ratify and confirm the said agreement with the said William T. Stephens, and to validate the payment by the Council of the said Corporation of the said sum of \$4,000. the purchase price of the said Electrical plant and machinery; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Floating debt consolidated:
authority to borrow
\$37,352.30 on
debentures.

1. The said debts of the said Town of Collingwood referred to as a floating debt are hereby consolidated at the sum of \$37,352.30, and it shall be lawful for the said Corporation of the Town of Collingwood to raise by way of a loan or loans on the credit of the said Corporation at large and by debentures as hereinafter mentioned, and by this Act authorized to be issued from any person or persons or body corporate a sufficient sum or sums to pay off the said floating indebtedness of \$37,352.30.

Rate of
interest, place
of payment,
etc. of
debentures.

2. It shall be lawful for the said Corporation of the Town of Collingwood, from time to time to pass a by-law or by-laws for the issue of debentures under its Corporate seal, in such sum of not less than \$100. and not exceeding \$37,352.30 in the whole, as the said Corporation may from time to time direct, and the principal sum secured by said debentures and the interest accruing thereon at any rate not exceeding six per cent. may be payable at such place or places as the said Corporation may deem expedient, and the sum or sums realized upon the sale of such debentures shall be applied to discharge the said floating indebtedness of \$37,352.30.

Terms and
issue of
debentures.

3. The said debentures shall be issued within one year after the passing of the by-law or by-laws severally authorizing the same, and shall bear such rate of interest, not exceeding six per cent. per annum, as the Council may by by-law or by-laws authorizing the same provide, and such debentures shall be payable in not more than twenty years from the date of issue and the principal of the said debt shall be payable in yearly sums during a period not exceeding twenty years, of such amounts respectively, that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to the amount so payable for principal and interest in each of the other years of the period in which the debentures are payable.

Special rate.

4. The said Corporation shall levy and collect in addition to all other rates to be levied in each year a special rate on all the rateable property in said Town sufficient to pay the amount falling due annually for principal and interest in respect of the consolidated debentures issued under the authority of this Act.

5. The said consolidated debentures and all moneys arising therefrom shall be applied by the said Corporation in discharging the said floating debt of \$37,352.30.

Application
of money.

6. It shall not be necessary to obtain the assent of the ratepayers of the said Town of Collingwood to the passing of any by-law, which shall be passed, under the provisions of this Act, or to observe the formalities in relation thereto, prescribed by *The Municipal Act* in that behalf.

Assent of
electors not
required to
by-laws passed
under this
Act.

Rev. Stat.
c. 192.

7. It shall be the duty of the treasurer of the said town from time to time to keep, and it shall be the duty of each of the members from time to time, of the said municipal council to procure such treasurer to keep and see that he does keep a proper book of account setting forth a full and particular statement so that the same shall at all times show the number of consolidated debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts thereof, and the times at which the said consolidated debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or negotiations of the said consolidated debentures, and the application which shall from time to time be made of the amounts so realized, and the said book of accounts and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the consolidated debentures, which shall be issued under the powers hereby conferred.

Treasurer to
keep Book of
Account open
for inspection.

8. Any provision in the Act respecting Municipal Institutions in the Province of Ontario which is or may be inconsistent with the provisions of this Act or any of them shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said consolidated debentures or any of them by this Act authorized to be issued or of the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said consolidated debentures and interest or any or either of them or any part thereof and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing any such by-laws or of the issue of such consolidated debentures or as to the application of the proceeds derived from the sale thereof.

Irregularity
of debentures
not to
invalidate.

Act not to
affect liability
for floating
debt.

9. Nothing in this Act contained shall be held or taken to discharge the Corporation of the Town of Collingwood from any debt or liability which may not be included in the said statement of indebtedness referred to as a floating debt of \$37,352.30.

Agreement
between town
and William
T. Stephens
declared valid.

10. The said agreement, bearing date the 23rd day of November, A.D. 1921, made between the said corporation and the said William T. Stephens, set forth as schedule "A" hereto is declared legal, valid and binding upon the said municipal corporation and the ratepayers thereof, and that the payment of the said sum of \$4,000 by the council of the said corporation to the Wilson-McGovern Co., Limited, on or about the 29th day of September, 1921, as the purchase price of an electric furnace and other electrical plant and equipment, in pursuance of the said agreement, is hereby declared to be legal and valid and binding upon the said municipal corporation and the ratepayers thereof, notwithstanding any want of authority of the said council of the said corporation to enter into the said agreement or to make such payment as aforesaid.

SCHEDULE "A"

AGREEMENT between the Corporation of the Town of Collingwood and W. T. Stephens dated the 23rd of November, 1921 to aid in the establishment of an Electro-metallurgic Industry within the limits of the Town of Collingwood.

This indenture made in triplicate the 23rd day of November, A. D. 1921.

In pursuance of *The short forms of Leases Act*.

BETWEEN:—

The Municipality of the Corporation of the Town of Collingwood, hereinafter called the Lessor of the first part,
and

William T. Stephens of the Town of Orillia, in the County of Simcoe, electrician, hereinafter called the Lessee, of the second part.

Whereas the said William T. Stephens on behalf of himself and his associates entered into an agreement with the said corporation on the 29th day of September, A. D. 1921, in which he agreed to establish and operate an electro-metallurgic industry within the limits of the Town of Collingwood, it being provided in the said agreement that the said corporation was to furnish suitable premises for the establishment of the said electro-metallurgic smelter and also to furnish certain machinery and equipment to enable the said Lessee to establish, conduct and operate the said business of an electro-metallurgic industry.

AND WHEREAS the said William T. Stephens has requested the said corporation to acquire and lease to him pursuant to the said agreement for the purposes of his said business a part of the lands and premises within the limits of the corporation, known as the Cramp Steel property, and the said corporation has consented to do so.

NOW THEREFORE this Indenture witnesseth that in consideration of the premises and in consideration of the rents, covenants and agreements hereinafter reserved and contained on the part of the said Lessee, the Lessor doth demise and lease, subject to the reservation and exceptions hereinafter mentioned unto the said Lessee, his executors, administrators and assigns.

ALL AND SINGULAR that certain parcel or tract of land and premises, situate lying and being in the Town of Collingwood and being composed of part of the south easterly twenty-five acres of Lot Number 45 in the 10th Concession of the Township of Nottawasaga, and which may be better known and described as follows:—

Commencing at a point at the intersection of the westerly limit of High Street with a northerly limit of the right of way of the Grand Trunk Railway, passing through or over said Lot #45, thence westerly along the said northerly limit of right of way ten hundred and thirty feet more or less to the easterly bank of the Black Ash Creek, thence northerly along said easterly bank one hundred and sixty-three feet, thence easterly parallel with the said northerly limit of right of way of the Grand Trunk Railway ten hundred and thirty feet more or less to the westerly limit of High Street, thence southerly along the said westerly limit of High Street, one hundred and seventy feet more or less to the place of beginning.

But saving and excepting thereout the buildings situate near the southerly limit of the lands hereby leased, now used or to be used as a Hydro sub-station, together with a convenient right of way for foot passengers and vehicles to and from High Street to the said Hydro sub-station, for ingress or egress by the servants and employees of the Lessor or the servants and employees of the Utility Commission of the said corporation.

TO HAVE AND TO HOLD the said demised premises for and during the term of five years to be computed from the first of December, 1921, and from thenceforth next ensuing and fully to be complete and ended.

YIELDING AND PAYING therefor yearly and every year during the said term unto the said Lessor, the sum equal or equivalent to the amount of the taxes chargeable against the said lands and buildings based upon the regular assessment for each year during the said term; such sum or sums to be paid on the first day of December, in each and every year, the first of such payments to become due and to be paid on the 1st day of December, 1922. The Lessor shall have the option of buying the said property at the price of \$5,000 during the life of this lease.

It is further understood by and between the Lessor and Lessee that in case the said Lessee fails to establish, maintain and operate the said Electro-metallurgic Industry for a continuous period of twelve months without the written permission of the Lessor, the Lessor may on two months notice in writing to the Lessee cancel and terminate this lease, and in such case it shall be lawful for the Lessor at any time thereafter to enter into and upon the said premises and to have again, repossess and enjoy the same as of former estate, notwithstanding anything contained in this lease to the contrary

The Lessor agrees to and with the Lessee to give him or his assigns an option exercisable within twelve months from date thereof to purchase the following plant and machinery which is now on the said premises for the price or sum of \$4,000. And the said Lessor agrees to and with the said Lessee to allow him, or his assigns, to use the said plant and machinery in his business carried on, on the said premises for twelve months or until the said option is exercised, provided the said Lessee pays to the said corporation all interest now paid or to be paid by the said Lessor to the Bank of Toronto on account of the sum of \$4,000 advanced by said bank as required by said bank, to the Lessor to purchase the said plant and machinery. And the said Lessee covenants with the said Lessor to keep the said plant and machinery in good repair, and in case the said option is not exercised to deliver the same over, if so required to the Lessor at any time after the expiration of the option to purchase.

The following is the list of plant and machinery referred to in this clause:—

One 5-ton electric furnace, complete with three transformers, 200 K.V.A. furnace, regulators, meters, wiring for connections, winches, crane and other equipment therefor;

One electric Mono-Rail Brown hoist, complete with 1 beam rail and spare parts, two air hoists;

Shafting, pulleys, belting and hangers in east end of stone building.

Blacksmith shop tools and equipment, including one small and one large anvil.

A quantity of magnesite now in the Bar Mill, all the fire hose on the premises and three nozzles, four jlb cranes, one steel tank at west end of stone building.

The said Lessee covenants with the said Lessor to pay rent in the manner, amounts and at the time hereinbefore set forth and provided.

And to pay the business assessment taxable against him in respect of the said premises, and to pay water rates and electric light rates.

And to repair reasonable wear and tear, damage by fire and tempest, only excepted.

And to keep up fences;

And that the said Lessor may by its officers or employees enter and view state of repair of the buildings, plant and equipment upon the said premises;

And that the said Lessee will repair according to notice in writing (reasonable wear and tear, and damage by fire lightning and tempest, only excepted);

And that the Lessee will not assign or sub-let without the written consent of the said Lessor.

And that he will leave the premises in good repair (reasonable wear and tear and damage by fire, lightning and tempest only excepted);

Provided that the Lessee, may at the expiry of the term hereby granted, remove his fixtures, plant and machinery from the said premises;

And provided also that if the term hereby granted shall be at any time seized or taken in execution by any creditor of the said Lessee, or if the Lessee shall become bankrupt or insolvent, then the current years rent determined as aforesaid shall immediately become due and payable, and the said term shall immediately become forfeited and void, and in such case it shall be lawful for the lessor at any time thereafter to enter upon the said premises and repossess and enjoy the same as of former estate, notwithstanding anything herein contained to the contrary.

Proviso for re-entry by the said lessor on nonpayment of rent or non-performance of covenant.

And the said Lessor covenants with the Lessee for the quiet enjoyment of the said premises during the currency of this lease or any renewal thereof.

It is understood and agreed by and between the parties hereto that in case the Lessee shall establish, equip and operate the said electro-metallurgic industry for the term of five years and observe and fulfill his covenants and agreements with the said corporation, to the true intent and spirit thereof, then if so required by the Lessee this lease is to be renewed by the said corporation for a further term of five years on the same terms and conditions as herein reserved and set forth.

And the said Lessor further agrees to and with the said Lessee, his executors, administrators and assigns, that the said corporation will not sell or dispose of the remaining lands or buildings belonging to the said corporation lying to the north and west of the lands hereby leased and demised, without first giving the Lessee due notice of their intentions to do so; and the said Lessee shall have the first right to purchase the said property at a price to be mutually agreed upon between the lessor and the Lessee. The notice referred to herein shall be in writing and may be delivered to the Lessee by registered mail and the Lessee shall within fifteen days after receiving said notice notify the Lessor in writing of his intention to purchase the said lands and buildings at the price fixed or agreed upon by the said parties, and on failure of the Lessee to give such notice and to make satisfactory arrangements for the payment of such purchase price or money, the Lessor shall be at liberty to sell or dispose of such lands and buildings or any part thereof or to otherwise deal with the same in such way or manner as the said corporation may see fit.

And it is further agreed and understood by and between the parties hereto that the said Lessor shall place a policy or policies of fire insurance upon the buildings situate on the lands hereby demised to the extent of their full insurable value or for such lesser sum as the said Lessor shall deem sufficient to protect the several interests of the parties hereto, and that the said Lessor shall insure the plant and machinery hereinbefore mentioned and described for the sum of \$4,000.00 or such lesser sum as it may deem sufficient, and that the Lessee shall pay to the corporation the premium upon such policies of insurance from year to year to the said corporation when and as the said premium or premiums become due and payable upon such policy or policies.

In witness whereof the said Lessee has hereunto set his hand and seal, the day and year first above written.

And in witness whereof the said municipal corporation has hereunto affixed its corporate seal.

Sealed and delivered and countersigned by the Mayor and Clerk of the said corporation.

In the presence of

(Sgd.) JOHN MAIR,
Reeve (Acting Mayor).

(Sgd.) A. K. MAIR,
Clerk.

(Sgd.) W. T. STEPHENS.

(Sgd.) T. B. IVEY,
as to signature of W. T. Stephens.

No. 24.

3rd. Session, 15th. Legislature,
12 George V, 1922.

BILL.

An Act respecting the
Town of Collingwood.

1st Reading,	7th March, 1922.
2nd Reading,	1922.
3rd Reading,	1922.

*(Reprinted as amended by the Private
Bills Committee).*

MR. ALAN.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to incorporate The Ontario Threshermen's Mutual Fire Insurance Company.

WHEREAS Joseph Cushman, of the City of Chatham, Preamble
in the County of Kent, Agent, Byrell Harris, of the
Township of Dover, in the County of Kent, Thresher, John
Houston, of the Township of Harwich, in the County of
Kent, Thresher, Albert Early, of the Township of Howard,
in the County of Kent, Thresher, William Pinder, of the
Township of Harwich, in the County of Kent, Thresher,
Julius John Crow, of the Township of Dover, in the County
of Kent, Thresher, Albert Fry, of the Township of Chatham,
in the County of Kent, Thresher, Byron Elliott, of the
Township of Chatham, in the County of Kent, Thresher,
and W. D. Colby, of the City of Chatham, in the County
of Kent, Agent, and others, all members of the Ontario
Brotherhood of Threshermen, have by petition represented
that it is desirable that a mutual fire insurance company on
the premium note plan should be incorporated having for
its object the insurance of threshing machines, separators,
hullers, shredders, hay presses, engines, motors, and all
appliances used in connection with the separation of grain
from the straw, and for grinding grain and grinding and
pressing fodder, and all appliances, equipment and mach-
inery used in connection therewith belonging to thresh-
men, and insurance of farm property in general; and
whereas the provisions of *The Ontario Insurance Act*, deal-
ing with the formation and incorporation of mutual fire
insurance companies do not provide for insuring property
of the class above mentioned; and whereas the petitioners
have by their petition prayed that the Ontario Thresh-
ermen's Mutual Fire Insurance Company may be incorporated
for the above mentioned purpose; and whereas it is ex-
pedient to grant the prayer of the said petition:

Rev. Stat.
c. 183.

Therefore, His Majesty, by and with the advice and con-
sent of the Legislative Assembly of the Province of Ontario,
enacts as follows:—

Incorporation. 1. Joseph Cushman, of the City of Chatham, in the County of Kent, Agent, Byrell Harris, of the Township of Dover, in the County of Kent, Thresher, John Houston, of the Township of Harwich, in the County of Kent, Thresher, Albert Early, of the Township of Howard, in the County of Kent, Thresher, William Pinder, of the Township of Harwich, in the County of Kent, Thresher, Julius John Crow, of the Township of Dover, in the County of Kent, Thresher, Albert Fry, of the Township of Chatham, in the County of Kent, Thresher, Byron Elliott, in the Township of Chatham in the County of Kent, Thresher, W. D. Colby, of the City of Chatham, in the County of Kent, Agent, and all other persons who from time to time for the time being are insured in the Ontario Threshermen's Mutual Fire Insurance Company, are hereby incorporated and constituted a body corporate and politic under the name of The Ontario Threshermen's Mutual Fire Insurance Company, hereinafter called the Company.

Objects of company.

2. Subject to the provisions of *The Ontario Insurance Act* the Company shall have power to carry on the business of a Mutual Fire Insurance Company on the premium note plan for insuring the following classes of property of its members; threshing machines, separators, hullers, shredders, hay presses, engines, motors, and all appliances used in connection with the separation of grain from the straw, and for grinding grain and grinding and pressing fodder, and all appliances, equipment and machinery used in threshing, belonging to threshermen, and farm property in general.

Provisions of Rev. Stat. c. 183 to apply when not inconsistent.

3. All the provisions of *The Ontario Insurance Act*, relating to mutual fire insurance companies insuring property on the mutual plan against fire, shall apply to the Company in so far as the same are not inconsistent with the provisions of this Act.

Provisional Directors.

4. The said Joseph Cushman, Byrell Harris, John Houston, Albert Early, William Pinder, Julius John Crow, Albert Fry, Byron Elliott, and W. D. Colby shall be provisional directors of the Company.

Head office.

5. The head office of the Company shall be at the City of Chatham, in the County of Kent, and Province of Ontario.

3.

6. Upon being satisfied that one hundred or more owners of such property have bound themselves to effect insurance in the Company amounting in the aggregate to not less than \$250,000, that member of the Executive Council charged with the administration of *The Ontario Insurance Act* may issue a license to the Company to transact the kind of business authorized herein for a term not exceeding twelve months from the date of issue; and such license may from time to time be renewed for a like term.

Issue of
license under
Rev. Stat.
c. 183.

7. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-
ment of Act.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act to incorporate
The Ontario Threshermen's Mutual
Fire Insurance Company.

1st Reading,	1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Private Bill.*)

MR. BRACKIN.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to incorporate The Ontario Threshermen's Mutual Fire Insurance Company.

WHEREAS Joseph Cushman, of the City of Chatham, Preamble
in the County of Kent, Agent, Byrell Harris, of the
Township of Dover, in the County of Kent, Thresher, John
Houston, of the Township of Harwich, in the County of
Kent, Thresher, Albert Early, of the Township of Howard,
in the County of Kent, Thresher, William Pinder, of the
Township of Harwich, in the County of Kent, Thresher,
Julius John Crow, of the Township of Dover, in the County
of Kent, Thresher, Albert Fry, of the Township of Chatham,
in the County of Kent, Thresher, Byron Elliott, of the
Township of Chatham, in the County of Kent, Thresher,
and W. D. Colby, of the City of Chatham, in the County
of Kent, Agent, and others, all members of the Ontario
Brotherhood of Threshermen, have by petition represented
that it is desirable that a mutual fire insurance company on
the premium note plan should be incorporated having for
its object the insurance of threshing machines, separators,
hullers, shredders, hay presses, engines, motors, and all
appliances used in connection with the separation of grain
from the straw, and for grinding grain and grinding and
pressing fodder, and all appliances, equipment and mach-
inery used in connection therewith belonging to thresh-
ermen, and insurance of farm property in general; and
whereas the provisions of *The Ontario Insurance Act*, deal-
ing with the formation and incorporation of mutual fire
insurance companies do not provide for insuring property
of the class above mentioned; and whereas the petitioners
have by their petition prayed that the Ontario Thresher-
men's Mutual Fire Insurance Company may be incorporated
for the above mentioned purpose; and whereas it is ex-
pedient to grant the prayer of the said petition:

Rev. Stat.
c. 183.

Therefore, His Majesty, by and with the advice and con-
sent of the Legislative Assembly of the Province of Ontario,
enacts as follows:—

Incorporation. 1. Joseph Cushman, of the City of Chatham, in the County of Kent, Agent, Byrell Harris, of the Township of Dover, in the County of Kent, Thresher, John Houston, of the Township of Harwich, in the County of Kent, Thresher, Albert Early, of the Township of Howard, in the County of Kent, Thresher, William Pinder, of the Township of Harwich, in the County of Kent, Thresher, Julius John Crow, of the Township of Dover, in the County of Kent, Thresher, Albert Fry, of the Township of Chatham, in the County of Kent, Thresher, Byron Elliott, in the Township of Chatham in the County of Kent, Thresher, W. D. Colby, of the City of Chatham, in the County of Kent, Agent, and all other persons who from time to time for the time being are insured in the Ontario Threshermen's Mutual Fire Insurance Company, are hereby incorporated and constituted a body corporate and politic under the name of The Ontario Threshermen's Mutual Fire Insurance Company, herein-after called the Company.

Objects of company.

2. Subject to the provisions of *The Ontario Insurance Act* the Company shall have power to carry on the business of a Mutual Fire Insurance Company on the premium note plan for insuring the following classes of property of its members; threshing machines, separators, hullers, shredders, hay presses, engines, motors, and all appliances used in connection with the separation of grain from the straw, and for grinding grain and grinding and pressing fodder, and all appliances, equipment and machinery used in threshing, and farm property in general, belonging to threshermen.

Provisions of Rev. Stat. c. 183 to apply when not inconsistent.

3. All the provisions of *The Ontario Insurance Act*, relating to mutual fire insurance companies insuring property on the mutual plan against fire, shall apply to the Company in so far as the same are not inconsistent with the provisions of this Act.

Provisional Directors.

4. The said Joseph Cushman, Byrell Harris, John Houston, Albert Early, William Pinder, Julius John Crow, Albert Fry, Byron Elliott, and W. D. Colby shall be provisional directors of the Company.

Head office.

5. The head office of the Company shall be at the City of Chatham, in the County of Kent, and Province of Ontario.

3.

6. Upon being satisfied that one hundred or more owners of such property have bound themselves to effect insurance in the Company amounting in the aggregate to not less than \$250,000, that member of the Executive Council charged with the administration of *The Ontario Insurance Act* may issue a license to the Company to transact the kind of business authorized herein for a term not exceeding twelve months from the date of issue; and such license may from time to time be renewed for a like term.

Issue of
license under
Rev. Stat.
c. 183.

7. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-
ment of Act.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act to incorporate
The Ontario Threshermen's Mutual
Fire Insurance Company.

1st Reading,	7th March, 1922.
2nd Reading,	1922.
3rd Reading,	1922.

*(Reprinted as amended by the
Private Bills Committee.)*

MR. BRACKIN.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the City of Niagara Falls.

WHEREAS the Corporation of the City of Niagara Falls has by its petition represented that on the 9th day of December, 1920, a certain by-law, numbered 972 was passed, by the council of the said city for submitting to the electors the question whether they were, or were not in favour of a City Manager system of Civic Government instead of the present system; and whereas, the said question was duly submitted to the electors accordingly on the third day of January, 1921, who by a majority of votes, declared themselves in favour of the said system or form of government; and whereas, the council of said corporation did on the Eighth day of December, 1921, pass a by-law numbered 1064 for submitting to the said electors the question whether they were, or were not in favour of an application being made to the Legislature to pass an Act with respect to the method and date of election, number and tenure of office of members of the said council, with right and power to the said Council to appoint and employ a city manager having authority to manage and control generally the administrative affairs of the said corporation to the extent and in the manner hereinafter set forth; and whereas, the last mentioned question was duly submitted accordingly to the said electors at the annual election on the Second day of January, 1922, who, by a majority of their votes declared themselves in favour of said application; and whereas the said council is desirous of carrying into effect the wishes of the electors and has petitioned the Legislature for the passing of an Act accordingly; and whereas, it is expedient to grant the prayer of the said petition: Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Provisions of this Act to apply to Niagara Falls after Nov. 15, 1922, notwithstanding provisions of Rev. Stat. c. 192 and other Acts.

1. From and after the 15th day of November, 1922, this Act shall apply to and govern the Corporation of the City of Niagara Falls; and in so far as the provisions hereof shall alter, vary or conflict with any of the provisions of *The Municipal Act* or any other Statute of this province relating to municipal corporations, or amendments thereof, the provisions of this Act shall prevail accordingly.

New dates for nomination meeting, election and organization meeting.

2. Nomination meeting for members of the Council of the said corporation and for members of the Board of Education, of the Board of Water Commissioners, of the Separate School Board and of the Hydro Electric Power Commission, shall hereafter be held annually on the last Monday in the month of November, and the election of members of each such body shall hereafter be held annually on the first Monday in the month of December; and the organization meeting of each such body shall be held on the first Monday in January following; provided, that if the day so fixed for such organization meeting shall fall on a holiday in any year, such meeting shall be held on the next following day.

New council—its composition and mode of election.

3. From and after the 31st day of December, 1922, the Council of the said Corporation shall be composed of and comprise seven aldermen and a mayor, who shall be elected by general vote of the qualified electors of the municipality. Of the said seven aldermen the four obtaining the highest number of votes at the election in December, 1922, shall hold office for the term of two years from and after the 31st day of December, 1922, and the remaining three aldermen shall hold office for the term of one year and the mayor shall also hold office for the said term of two years. In all elections of mayor and aldermen subsequent to 1922 such mayor and aldermen respectively shall be elected and hold office for the term of two years, commencing with the first day of the calendar year following the election.

Councillors to hold office until new council organized.

4. Notwithstanding anything hereinbefore provided, the members of the said Council shall hold office until their successors are elected and the new council is organized.

Council to appoint "City Manager"—his power and duties.

5.—(1) Any council of the said corporation in office from and after the 31st day of December, 1922, is hereby authorized and empowered by By-law to appoint and employ a general administrative head to be known as the "City Manager", who, shall have such general control and manage-

ment of the administration of the city's government and affairs and perform such duties as the council shall by by-law define, limit and determine and he shall be responsible for the efficient administration of all its departments to the extent that he shall be given authority and control over the same; and he shall hold office at the will and pleasure of the council and receive such salary as the council by by-law shall determine.

(2) Nothing in this section shall apply to the Board of Water Commissioners or the Hydro Electric Power Commission of the City of Niagara Falls.

Section not to apply to water commissioners or H.E.P.C. of Niagara Falls.

6. Except as by this Act, varied, altered or changed, *The Municipal Act* and all other Statutes now applicable to the said corporation its Council, Board of Education, Separate School Board, Board of Water Commissioners and Hydro Electric Power Commissioners or officers shall be in full force and effect.

Provisions of Rev. Stat. c. 192 and other Acts to apply where not inconsistent.

7. This Act shall be known as *The City of Niagara Falls Act*, 1922.

Short title.

8. This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of Act.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting the City of Niagara
Falls.

1st Reading,	1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Private Bill.*)

MR. SWAYZE.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the City of Niagara Falls.

WHEREAS the Corporation of the City of Niagara Falls has by its petition represented that on the 9th day of December, 1920, a certain by-law, numbered 972 was passed, by the council of the said city for submitting to the electors the question whether they were, or were not in favour of a City Manager system of Civic Government instead of the present system; and whereas, the said question was duly submitted to the electors accordingly on the third day of January, 1921, who by a majority of votes, declared themselves in favour of the said system or form of government; and whereas, the council of said corporation did on the Eighth day of December, 1921, pass a by-law numbered 1064 for submitting to the said electors the question whether they were, or were not in favour of an application being made to the Legislature to pass an Act with respect to the method and date of election, number and tenure of office of members of the said council, with right and power to the said Council to appoint and employ a city manager having authority to manage and control generally the administrative affairs of the said corporation to the extent and in the manner hereinafter set forth; and whereas, the last mentioned question was duly submitted accordingly to the said electors at the annual election on the Second day of January, 1922, who, by a majority of their votes declared themselves in favour of said application; and whereas the said council is desirous of carrying into effect the wishes of the electors and has petitioned the Legislature for the passing of an Act accordingly; and whereas, it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Provisions of this Act to apply to Niagara Falls after Nov. 15, 1922, notwithstanding provisions of Rev. Stat. c. 192 and other Acts.

1. From and after the 15th day of November, 1922, this Act shall apply to and govern the Corporation of the City of Niagara Falls; and in so far as the provisions hereof shall alter, vary or conflict with any of the provisions of *The Municipal Act* or any other Statute of this province relating to municipal corporations, or amendments thereof, the provisions of this Act shall prevail accordingly.

New dates for nomination meeting, election and organization meeting.

2. Nomination meeting for members of the Council of the said corporation and for members of the Board of Education, of the Board of Water Commissioners, of the Separate School Board and of the Hydro Electric Power Commission, shall hereafter be held annually on the last Monday in the month of November, and the election of members of each such body shall hereafter be held annually on the first Monday in the month of December; and the organization meeting of each such body shall be held on the first Monday in January following; provided, that if the day so fixed for such organization meeting shall fall on a holiday in any year, such meeting shall be held on the next following day.

New council—its composition and mode of election.

3. From and after the 31st day of December, 1922, the Council of the said Corporation shall be composed of and comprise seven aldermen and a mayor, who shall be elected by general vote of the qualified electors of the municipality. Of the said seven aldermen the four obtaining the highest number of votes at the election in December, 1922, shall hold office for the term of two years from and after the 31st day of December, 1922, and the remaining three aldermen shall hold office for the term of one year and the mayor shall also hold office for the said term of two years. In all elections of mayor and aldermen subsequent to 1922 such mayor and aldermen respectively shall be elected and hold office for the term of two years, commencing with the first day of the calendar year following the election.

Councillors to hold office until new council organized.

4. Notwithstanding anything hereinbefore provided, the members of the said Council shall hold office until their successors are elected and the new council is organized.

Council to appoint "City Manager"—his power and duties.

5.—(1) Any council of the said corporation in office from and after the 31st day of December, 1922, is hereby authorized and empowered by By-law to appoint and employ a general administrative head to be known as the "City Manager", who shall have such general control and manage-

3.

ment of the administration of the city's government and affairs and perform such duties as the council shall by by-law define, limit and determine and he shall be responsible for the efficient administration of all its departments to the extent that he shall be given authority and control over the same; and he shall hold office at the will and pleasure of the council and receive such salary as the council by by-law shall determine.

(2) Nothing in this section shall apply to the Board of Water Commissioners or the Hydro Electric Power Commission of the City of Niagara Falls.

Section not to apply to water commissioners or H.E.P.C. of Niagara Falls.

6. Except as by this Act, varied, altered or changed, *The Municipal Act* and all other Statutes now applicable to the said corporation its Council, Board of Education, Separate School Board, Board of Water Commissioners and Hydro Electric Power Commissioners or officers shall be in full force and effect.

Provisions of Rev. Stat. c. 192 and other Acts to apply where not inconsistent.

7. This Act shall be known as *The City of Niagara Falls Act, 1922.*

Short title.

8. This Act shall come into force and take effect on and after the first day of July, 1922.

Commencement of Act.

No. 26.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting the City of Niagara
Falls.

1st Reading,	7th March,	1922.
2nd Reading,		1922.
3rd Reading,		1922.

*(Reprinted as amended
by the Private Bills Committee.)*

MR. SWAYZÉ.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to authorize the Law Society of Upper Canada to admit Pierre Edouard Blondin to practise as a Barrister and Solicitor.

WHEREAS Lieutenant Colonel the Honourable Pierre Edouard Blondin of the City of Ottawa, in the County of Carleton and Province of Ontario, a member of the Senate of the Parliament of Canada, has by his petition, set forth that after completing the required University course at Laval University in the City of Montreal he was duly admitted to practise law as a Notary in the Province of Quebec on the 4th day of September, 1900, and that in taking the course of law prescribed for those desirous of becoming Notaries he took the same course of law and passed the same examinations as those desirous of practising law as lawyers or advocates in the said Province are required to do; that from the 4th day of September, 1900, to October, 1914, he practised his profession as a Notary at Grand Mere, in the County of Champlain in the Province of Quebec, and during that interval he was clerk of the Circuit Court of the said county and also on numerous occasions acted as agent for legal firms in the City of Montreal, and in the City of Quebec, and has had much experience in the practice and procedure of law; that in October, 1914, he was sworn of the Privy Council of Canada and appointed a member of the Government of Canada; that in March, 1917, he tendered his resignation in order to raise a regiment to proceed overseas and take part in the war, and was absent overseas until July, 1918, when he was appointed Post Master General of Canada, which position he retained until December, 1921; that he is desirous of practising at the Bar of His Majesty's Courts in Ontario, and also of practising as a solicitor in the Supreme Court of Ontario and is prepared to pass such an examination in law as may be prescribed by the Law Society of Upper Canada; and whereas the said Pierre Edouard Blondin has prayed that an Act may be passed to enable the Law Society

Preamble.

of Upper Canada to admit him to practise at the Bar of His Majesty's Courts in Ontario, and also to practise as a solicitor in the Supreme Court of Ontario; and whereas the circumstances appear to be exceptional; and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Authority to
practise as
barrister and
solicitor on
passing
examination.

1. It shall and may be lawful for the Law Society of Upper Canada, at any time hereafter, to admit the said Pierre Edouard Blondin to practise at the Bar of His Majesty's Courts in Ontario, and to practise as a solicitor in the Supreme Court of Ontario, on his paying the proper fees in that behalf, and upon passing such examination as may be prescribed by the said Society, and without complying with any other requirements of the law or any other rules or regulations of the said Society in that behalf.

No. 27.

3rd. Session, 15th. Legislature,
12 George V, 1922.

BILL.

An Act to authorize the Law Society of
Upper Canada to admit Pierre Edouard
Blondin to practise as a Barrister and
Solicitor.

1st Reading,	1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Private Bill.*)

MR. HILL.

TORONTO:
PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Town of Mimico

WHEREAS the Corporation of the Town of Mimico has Preamble.
by its petition represented that Carl Grobba, of the Town of Mimico, Florist, has represented to the council of the said corporation that he is the owner of the land and premises in the Town of Mimico, described in the by-law set out in the schedule hereto, and for many years past has carried on business as a florist and a grower of plants and bulbs on the said lands and has invested and expended large sums of money in erecting and maintaining green houses thereon and employs a daily average of not less than thirty-three hands or employees in his said business, most of whom reside in the said Town of Mimico; and whereas the said Carl Grobba has further represented to the said council that owing to the increase in the assessed value of the said lands and in the rate of taxation thereon the taxes upon the said lands are more than the business carried on by him upon the said lands warrants him to pay; and whereas the said Carl Grobba has further represented to the said council that he can remove his present plant from the Town of Mimico to some other location in the County of York and erect thereon a new, up-to-date plant and that the saving in his taxes would pay him for such removal within a few years; and whereas there is no industry of a similar nature established in the Town of Mimico; and whereas the Council of the Town of Mimico deemed it expedient to retain the business of the said Carl Grobba in the Town of Mimico and for this purpose agreed, subject to the assent of the electors, to partially exempt the said lands from general taxation as provided in the said by-law for the period of 10 years from the 1st day of January, 1922; and whereas the Council of the Town of Mimico on the 2nd day of January, 1922, at the annual municipal elections, submitted to the electors of the Town of Mimico, for their assent, the by-law entitled "A By-law to partially exempt from general taxation certain real property of Carl Grobba, in the Town of Mimico, for 10 years from the 1st day of January, 1922," a copy of which is set out in schedule "A" hereto; and whereas of the electors who voted on the by-law, 506 voted in favor thereof and 295

voted against the by-law; and whereas on the 23rd day of January, 1922, the said by-law was finally passed by the Council of the said Town of Mimico, all the members of the council voting in favor thereof; and whereas some doubt has arisen as to the validity of the said by-law; and whereas the said corporation by its petition has prayed that an Act may be passed to validate and confirm the said by-law No. 366, and to authorize the said corporation for the period of 10 years from the 1st day of January, 1922, to exempt the lands described in the said by-law and the buildings erected thereon and used in the business of the said Carl Grobba from taxation for general purposes, but not from school taxes or from local improvement rates or taxes from so much of the assessment thereon as may exceed the sum of \$30,000, but subject always to the provisos and conditions set forth and contained in the said by-law; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No. 366 granting certain exemptions from taxation to Carl Grobba confirmed.

1. That By-law No. 366, passed by the council of the Corporation of the Town of Mimico, on the 23rd day of January, 1922, set out in schedule "A" hereto, is hereby validated and confirmed and declared to be legal and binding upon the said municipal corporation and the ratepayers thereof and upon the said Carl Grobba, his heirs, executors, administrators and assigns, and the said municipal corporation is hereby authorized, for the period of 10 years from the 1st day of January, 1922, to exempt the lands described in the said by-law and the buildings erected thereon and used in the business of the said Carl Grobba from taxation for general purposes, but not from school taxes or from local improvement rates or taxes, for so much of the assessment thereon as may exceed the sum of \$30,000, but subject always to the terms provisos and conditions set forth and contained in the said by-law.

Short title.

2. This Act may be cited as *The Town of Mimico Act, 1922.*

Commencement of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

3.

SCHEDULE "A"

TOWN OF MIMICO.

BY-LAW No. 366.

A By-law to partially exempt from general taxation certain real property of Carl Grobba, in the Town of Mimico, for ten years from the first day of January, 1922.

Whereas Carl Grobba, of the Town of Mimico, Florist, has represented to the Council of the Corporation of the said Town, that he is the owner of the lands and premises hereinafter described in the Town of Mimico, and for many years past has carried on business thereon as a florist and a grower of plants and bulbs on the said lands and has invested and expended large sums of money in erecting and maintaining green houses thereon and employs a daily average of not less than thirty-three hands or employees in his said business, most of whom reside in the said Town of Mimico;

And whereas the said Carl Grobba has further represented to the said Council that owing to the increase in the assessed value of the said lands and in the rate of taxation thereon the taxes upon the said lands are more than the business carried on by him upon the said lands warrants him to pay;

And whereas the said Carl Grobba has further represented to the said Council that he can remove his present plant from the Town of Mimico to some other location in the County of York and erect thereon a new up-to-date plant and that the saving in his taxes would pay him for such removal within a few years;

And whereas there is no other industry of a similar nature established in the Town of Mimico;

And whereas the council deems it expedient to retain the business of the said Carl Grobba in the Town of Mimico and for this purpose has agreed, subject to the assent of the electors who vote on this By-law, to partially exempt the said lands from general taxation as hereinafter provided for the period of 10 years from the 1st day of January, 1922..

Therefore the Council of the Corporation of the Town of Mimico, enacts as follows:—

For a period of ten years, to be computed from the 1st day of January, 1922, or for so long only during such period as the said Carl Grobba shall actively carry on his business of a florist and a grower of plants and bulbs on the lands and premises hereinafter described in the Town of Mimico and shall employ a daily average of not less than thirty-three hands or employees in his said business for the whole of each year during the said period of ten years, the land hereinafter described and the buildings erected thereon and used in the said business shall be exempt from taxation for general purposes for so much of the assessment thereon for each year as may exceed the sum of thirty thousand dollars (\$30,000), but shall not be exempt from school taxes or from local improvement rates or taxes; provided always that should any part of the said lands at any time during the said period of ten years cease to be used by the said Carl Grobba in his said business and should any buildings hereafter be erected on the said lands or any part thereof, which are not used by the said Carl Grobba in connection with his said business or which are used as residences by his employees or others, or are rented to tenants, such part of the said lands and the said buildings shall be subject to assessment and taxation in the usual way in addition to the said sum of \$30,000.00; and provided further that should the said Carl Grobba in any year

during the said period cease to actively carry on his said business on the said premises for a period of more than one month in any one year or should he at any time during the said period of ten years fail to employ in his said business a daily average of not less than 33 hands or employees for the whole of each year during the said period of ten years, then the exemption hereby granted shall cease and determine and the said Carl Grobba shall forthwith become liable to pay and shall pay to the Corporation of the Town of Mimico taxes on the assessed value of the property hereinafter described at the rates imposed or to be imposed for such year.

Provided further that the said Carl Grobba shall, as a condition precedent to his right to partial exemption from taxation as aforesaid obtain from the Clerk of the Town of Mimico in each year during the said term of 10 years, a certificate that he has during the year for which the taxes are payable, complied with all the requirements of this By-law to entitle him to such partial exemption from taxation.

And provided further that the council of this corporation or the clerk thereof shall have the right at any time to require such information to be furnished to them or either of them as may be necessary to make manifest continued compliance by the said Carl Grobba with the conditions under which the said partial exemption from taxation is granted as aforesaid, and in case the said Carl Grobba shall fail or neglect to furnish such information within a reasonable time after demand, then the exemption hereby granted shall cease and determine.

The lands of the said Carl Grobba to be partially exempted from taxation as aforesaid under this By-law may be known and described as follows:—

Lots One (1); Four (4); Five (5); Seven (7); Eight (8); Nine (9); Sixteen (16); Seventeen (17); Eighteen (18); Nineteen (19); the westerly ten feet throughout of Lot Number Twenty-two (22); and the whole of Lots Numbers Twenty-three (23); Twenty-four (24); Twenty-five (25); Twenty-seven (27); Twenty-eight (28); Twenty-nine (29); Thirty (30); Thirty-one (31), and Thirty-two (32), all according to plan filed in the Office of Land Titles at Toronto, as M. 110, and of Lots Numbers Two hundred and twenty (220); Two hundred and twenty-one (221); Two hundred and twenty-two (222); Two hundred and twenty-three (223); Two hundred and twenty-four (224); Two hundred and twenty-five (225); Two hundred and twenty-eight (228); Two hundred and twenty-nine (229); Two hundred and thirty (230); Two hundred and Thirty-one (231); Two hundred and thirty-three (233); and the southerly half of Lot Two hundred and thirty-four (234); the southerly thirty-three feet (33') throughout of Lot Two hundred and thirty-seven (237); and all of Lot Two hundred and thirty-eight (238), according to plan filed in said Office of Land Titles as M. 68. Also Lots One hundred and seventy-six (176); One hundred and seventy-seven (177); the northerly thirty-one feet (31') throughout of Lot Number One hundred and seventy-eight (178); the whole of Lots One hundred and seventy-nine (179); One hundred and eighty (180); One hundred and eighty-one (181); One hundred and eighty-two (182); One hundred and eighty-three (183); One hundred and eighty-four (184); One hundred and eighty-five (185); One hundred and eighty-six (186); One hundred and eighty-seven (187); One hundred and eighty-eight (188); One hundred and eighty-nine (189); One hundred and ninety (190), according to plan filed in said Office of Land Titles, as M.164, and the northerly forty feet (40') throughout of Lot Number Three hundred and forty-one (341), according to plan filed in said Office of Land Titles as M.77, all of which lands are situate in the Town of Mimico.

Read a first and second time in open council this 30th day of November, 1921.

Received the assent of the electors the 2nd day of January, 1922.

Read a third time and passed in open council this 23rd day of January, 1922.

J. H. DOUGHTY,
Mayor.

J. A. TELFER,
Clerk.

(seal)

No. 28.

3rd. Session, 15th. Legislature,
12 George V, 1922.

BILL.

An Act respecting the Town of Mimico.

1st Reading,	1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Private Bill.*)

MR. GODFREY.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to confirm By-law 650 of the Town of Oakville

WHEREAS the Municipal Corporation of the Town of Oakville has by petition represented that it has incurred and is now incurring certain extraordinary expenditures and has incurred certain floating debt amounting to the sum of \$24,992.07; and whereas the said corporation has by its petition represented that it would be oppressive to the ratepayers of the Town of Oakville to pay the amount of the said expenditures and floating debt out of current revenue; and whereas by-law number 650 has been passed by the Council of the said Town of Oakville for borrowing the sum of Twenty-five Thousand dollars, (\$25,000), to pay such expenditures and floating debt by the issue of debentures therefor payable over a period of twenty years and has petitioned that an Act may be passed to confirm and legalize the said by-law and the debentures to be issued thereunder; and whereas it is expedient to grant the prayer of the said petition: Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law number 650 of the Town of Oakville to authorize the issue of debentures for the sum of Twenty-five thousand dollars, (\$25,000), for the purpose of paying the floating indebtedness of the town and the cost of completion of the sea wall on the lake front as passed by the Municipal Council of the said Town of Oakville, on the 30th day of January, A. D. 1922, and set out as schedule "A" hereto is hereby ratified and confirmed and declared to be legal, valid and binding upon the Municipal Corporation of the said Town of Oakville and the ratepayers thereof, notwithstanding any want of jurisdiction on the part of the municipality to pass the said by-law without the approval of the ratepayers of the said municipality or for any other reason.

By-law No. 650, authorizing issue of debentures for \$25,000 to retire floating debt, ratified.

Irregularity
not to
invalidate.

2. The debentures issued or to be issued under or in pursuance of the provisions of the said by-law are hereby ratified and confirmed and declared to be legal, valid and binding upon the said municipal corporation and the ratepayers thereof notwithstanding any defect in substance or in form of the said by-law or debentures or in the manner of passing or issuing the same and the said Corporation of the Town of Oakville is hereby authorized and empowered to do all acts and things necessary for the fulfilment and proper carrying out of the said By-law number 650.

SCHEDULE "A."

BY-LAW NO. 650 OF THE TOWN OF OAKVILLE.

A by-law to authorize the issue of debentures for the sum of \$25,000 for the purpose of paying the floating indebtedness of the town and cost of completion of the sea wall on the lake front:

Whereas the corporation owes a floating indebtedness of \$23,992.07, and requires the further sum of \$1,000, to complete the erection of the sea wall on the lake front:

And whereas it would be unduly oppressive to the ratepayers of the town to pay the said indebtedness at one time in addition to the necessary current annual expenses of the corporation;

And whereas for the purpose of raising the said sums and of paying the said indebtedness it is expedient and desirable to issue debentures for the sum of \$25,000, bearing interest at the rate of six per cent. per annum which is the amount of the debt intended to be created by this by-law;

And whereas it is expedient to make the principal of the said debt repayable in yearly sums during the period of twenty years of such amounts respectively that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to the amount so payable for principal and interest in each of the other years;

And whereas it will be necessary to raise annually the sum of \$2,179.61, during the period of twenty years to pay the said yearly sums of principal and interest as they become due by a special rate sufficient therefor over and above all other rates on all the rateable property in the said Town of Oakville;

And whereas the amount of the whole rateable property of the said Town of Oakville according to the last revised assessment roll thereof is \$2,527,094.00,

And whereas the amount of the existing debenture debt of the corporation, (exclusive of any liability in respect of local improvement or other indebtedness which by the provisions of any statutes of the Province of Ontario, is not to be reckoned as part of the indebtedness of the said corporation for the purpose of ascertaining the limit of its borrowing power) is \$394,772.41, no part of the principal or interest of which is in arrear;

Therefore the Municipal Council of the Corporation of the Town of Oakville, enacts as follows:—

1. For the purposes mentioned in the preamble there shall be borrowed on the credit of the corporation the sum of Twenty-five Thousand dollars (\$25,000), and debentures shall be issued therefor in sums of not less than \$100 each, bearing interest at the rate of six per cent per annum and having coupons attached thereto for the payment of the interest.

2. The debentures shall all bear the same date and shall be issued within two years after the day on which this by-law is passed, and may bear any date within such two years, and shall be payable in twenty annual instalments during the twenty years next after the time when the same are issued, and the respective amounts of principal and interest payable in each of such years shall be as follows:—

No.	Interest.	Principal.	Total.
1	\$1,500 00	\$679 61	\$2,179 61
2	1,459 22	720 39	2,179 61
3	1,416 00	763 61	2,179 61
4	1,370 18	809 43	2,179 61
5	1,321 61	858 00	2,179 61
6	1,270 13	909 48	2,179 61
7	1,215 56	964 05	2,179 61
8	1,157 72	1,021 89	2,179 61
9	1,096 41	1,083 20	2,179 61
10	1,031 42	1,148 19	2,179 61
11	962 53	1,217 08	2,179 61
12	889 50	1,290 11	2,179 61
13	812 10	1,367 51	2,179 61
14	730 05	1,449 56	2,179 61
15	643 07	1,536 54	2,179 61
16	550 87	1,628 74	2,179 61
17	453 15	1,726 46	2,179 61
18	349 55	1,830 06	2,179 61
19	239 76	1,939 85	2,179 61
20	123 37	2,056 24	2,179 61

3. The debentures as to both principal and interest may be expressed in Canadian currency or in Sterling money of Great Britain at the rate of one pound sterling for each four dollars and eighty-six and two-thirds cents and may be payable at any place or places in Canada or Great Britain.

4. The Mayor of the Corporation shall sign and issue the debentures and interest coupons, and the same shall also be signed by the Treasurer of the corporation and the debentures shall be sealed with the seal of the corporation. The signatures to the coupons may be lithographed or engraved.

5. During the twenty years, the currency of the debentures, there shall be raised annually for the payment of the instalment of principal and interest of the said debt by a special rate sufficient therefor over and above all other rates, on all the rateable property in the Town of Oakville, the sum of \$2,179.61.

6. The debentures may contain any provision for the registration of them authorized by law.

7. This by-law shall come into force and take effect immediately upon the same being ratified, confirmed and validated by the Legislative Assembly of the Province of Ontario.

PASSED by the Municipal Council of the Town of Oakville at a meeting thereof regularly held on the 30th day of January, 1922.

Town of Oakville.

(Signed) A. S. FORSTER,

Mayor.

(Seal)

(Signed) PERCY A. BATH,

Clerk.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act to Confirm By-law 650 of the
Town of Oakville.

1st Reading.	1922.
2nd Reading.	1922.
3rd Reading.	1922.

(*Private Bill*)

MR. CURRY.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to confirm By-law 650 of the Town of Oakville

WHEREAS the Municipal Corporation of the Town Preamble.
of Oakville has by petition represented that it has incurred and is now incurring certain expenditures amounting to the sum of \$24,992.07, ~~and~~ nearly all of which is for discount on sale of debentures, a sea wall, Fire hall and site, and other works of a permanent character; ~~and~~ and whereas by-law number 650 has been passed by the Council of the said Town of Oakville for borrowing the sum of twenty-five thousand dollars (\$25,000), to pay such expenditures by the issue of debentures therefor payable over a period of twenty years and has petitioned that an Act may be passed to confirm and legalize the said by-law and the debentures to be issued thereunder; and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law number 650 of the Town of Oakville to authorize the issue of debentures for the sum of Twenty-five thousand dollars, (\$25,000), as passed by the Municipal Council of the said Town of Oakville, on the completion of the sea wall on the lake front as passed by the Municipal Council of the said Town of Oakville, on the 30th day of January, A. D. 1922, and set out as schedule "A" hereto is hereby ratified and confirmed and declared to be legal, valid and binding upon the Municipal Corporation of the said Town of Oakville and the ratepayers thereof, notwithstanding any want of jurisdiction on the part of the municipality to pass the said by-law without the approval of the ratepayers of the said municipality or for any other reason.

By-law No.
650, author-
izing issue
of debentures
for \$25,000

Irregularity
not to
invalidate.

2. The debentures issued or to be issued under or in pursuance of the provisions of the said by-law are hereby ratified and confirmed and declared to be legal, valid and binding upon the said municipal corporation and the rate-payers thereof notwithstanding any defect in substance or in form of the said by-law or debentures or in the manner of passing or issuing the same and the said Corporation of the Town of Oakville is hereby authorized and empowered to do all acts and things necessary for the fulfilment and proper carrying out of the said By-law number 650.

SCHEDULE "A."

BY-LAW No. 650 OF THE TOWN OF OAKVILLE.

A by-law to authorize the issue of debentures for the sum of \$25,000 for the purpose of paying the floating indebtedness of the town and cost of completion of the sea wall on the lake front:

Whereas the corporation owes a floating indebtedness of \$23,992.07, and requires the further sum of \$1,000, to complete the erection of the sea wall on the lake front:

And whereas it would be unduly oppressive to the ratepayers of the town to pay the said indebtedness at one time in addition to the necessary current annual expenses of the corporation;

And whereas for the purpose of raising the said sums and of paying the said indebtedness it is expedient and desirable to issue debentures for the sum of \$25,000, bearing interest at the rate of six per cent. per annum which is the amount of the debt intended to be created by this by-law;

And whereas it is expedient to make the principal of the said debt repayable in yearly sums during the period of twenty years of such amounts respectively that the aggregate amount payable for principal and interest in any year shall be equal as nearly as may be to the amount so payable for principal and interest in each of the other years;

And whereas it will be necessary to raise annually the sum of \$2,179.61, during the period of twenty years to pay the said yearly sums of principal and interest as they become due by a special rate sufficient therefor over and above all other rates on all the rateable property in the said Town of Oakville;

And whereas the amount of the whole rateable property of the said Town of Oakville according to the last revised assessment roll thereof is \$2,527,094.00.

And whereas the amount of the existing debenture debt of the corporation, (exclusive of any liability in respect of local improvement or other indebtedness which by the provisions of any statutes of the Province of Ontario, is not to be reckoned as part of the indebtedness of the said corporation for the purpose of ascertaining the limit of its borrowing power) is \$394,772.41, no part of the principal or interest of which is in arrear;

Therefore the Municipal Council of the Corporation of the Town of Oakville, enacts as follows:—

1. For the purposes mentioned in the preamble there shall be borrowed on the credit of the corporation the sum of Twenty-five Thousand dollars (\$25,000), and debentures shall be issued therefor in sums of not less than \$100 each, bearing interest at the rate of six per cent per annum and having coupons attached thereto for the payment of the interest.

2. The debentures shall all bear the same date and shall be issued within two years after the day on which this by-law is passed, and may bear any date within such two years, and shall be payable in twenty annual instalments during the twenty years next after the time when the same are issued, and the respective amounts of principal and interest payable in each of such years shall be as follows:—

No.	Interest.	Principal.	Total.
1	\$1,500 00	\$679 61	\$2,179 61
2	1,459 22	720 39	2,179 61
3	1,416 00	763 61	2,179 61
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6	1,270 13	909 48	2,179 61
7	1,215 56	964 05	2,179 61
8	1,157 72	1,021 89	2,179 61
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13	812 10	1,367 51	2,179 61
14	730 05	1,449 56	2,179 61
15	643 07	1,536 54	2,179 61
16	550 87	1,628 74	2,179 61
17	453 15	1,726 46	2,179 61
18	349 55	1,830 06	2,179 61
19	239 76	1,939 85	2,179 61
20	123 37	2,056 24	2,179 61

3. The debentures as to both principal and interest may be expressed in Canadian currency or in Sterling money of Great Britain at the rate of one pound sterling for each four dollars and eighty-six and two-thirds cents and may be payable at any place or places in Canada or Great Britain.

4. The Mayor of the Corporation shall sign and issue the debentures and interest coupons, and the same shall also be signed by the Treasurer of the corporation and the debentures shall be sealed with the seal of the corporation. The signatures to the coupons may be lithographed or engraved.

5. During the twenty years, the currency of the debentures, there shall be raised annually for the payment of the instalment of principal and interest of the said debt by a special rate sufficient therefor over and above all other rates, on all the rateable property in the Town of Oakville, the sum of \$2,179.61.

6. The debentures may contain any provision for the registration of them authorized by law.

7. This by-law shall come into force and take effect immediately upon the same being ratified, confirmed and validated by the Legislative Assembly of the Province of Ontario.

PASSED by the Municipal Council of the Town of Oakville at a meeting thereof regularly held on the 30th day of January, 1922.

Town of Oakville.

(Signed) A. S. FORSTER,
Mayor.

(Seal)

(Signed) PERCY A. BATH,
Clerk.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act to Confirm By-law 650 of the
Town of Oakville.

1st Reading,	March 7th,	1922.
2nd Reading,		1922.
3rd Reading,		1922.

*(Reprinted as amended by the Private
Bills Committee.)*

Mr. CURRY.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend the Constitution of Huron College

WHEREAS Huron College has, by its petition re-^{Preamble.}
presented that it is desirable to give clergy who
are Alumni of the College holding the License of the Bishop
of Huron within the Diocese of Huron, a voice in the Gov-
ernment of the Institution, and whereas the Council of the
said College, the Incorporated Synod of the Diocese of
Huron, and the Colonial and Continental Church Society
of London, England, have severally consented to the re-
presentation of the Alumni on the said Council in ac-
cordance with the terms hereinafter set forth; and whereas
by the petition of the said Council it is represented that
it is desirable that the various persons composing the said
Council shall continue to be members thereof only so long
as they are competent to perform the duties of their office
as such councillors;

Therefore, His Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario enacts as follows:

1.—(1) From and after the passing of this Act not-<sup>Membership
of college
council
increased
by two.</sup>
withstanding anything contained in the Act passed in the
sixth year of the reign of His late Majesty, King Edward
the Seventh, Chaptered 139, the said Council shall be in-
creased by the addition of two members, to be elected by
the Alumni of their College at their Annual Meetings in
manner following, to wit:—

(2) At the meeting next ensuing the passing of this ^{Election.}
Act, two members shall be elected, and thereafter at each
of such annual meetings one member shall be elected.

Term of
office.

2. The members so elected by the Alumni of the College shall hold office as follows, to wit:— of the two members elected at the said first annual meeting ensuing the passing of this Act, the one having the least number of votes shall hold office for one year only. With that exception, all members elected by the Alumni as aforesaid shall hold office for two years.

Qualification.

3. Only duly ordained and strictly Protestant and Evangelical Clergymen of the Church of England in Canada, who hold the license of the Bishop of Huron, and are not salaried employees of the said College, shall be eligible for election by the Alumni as aforesaid, and each member so elected shall before acting conform to all rules and regulations that are in force in respect to the remaining members of the said Council.

Re-election.

4. No member elected by the Council as aforesaid shall be eligible for re-election until at least one year has elapsed since the termination of his last term of office.

Council may
declare seat
vacant under
certain
conditions.

5. If, at any time, whether by reason of mental or physical infirmity or otherwise, any duly elected member of the said Council, whether co-opted by the representatives of the original Council or elected by the Synod of Huron, or by the Alumni of the College, fails to attend the regular meetings of the said Council for at least one year, the said Council may by resolution declare the seat of such member to be vacant, and thereupon the term of office of such member shall terminate, and it shall be lawful for the said Council to take the necessary steps to elect a member in the place and stead of the said last mentioned member for the residue of the term of office of such last mentioned member.

No. 30.

3rd Session, 16th Legislature,
12 George V, 1922.

BILL.

An Act to amend the
Constitution of Huron College.

1st Reading.	1922.
2nd Reading.	1922.
3rd Reading.	1922.

(*Private Bill.*)

MR. STEVENSON.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend the Constitution of Huron College

WHEREAS Huron College has, by its petition re- Preamble.
presented that it is desirable to give clergy who
are Alumni of the College holding the License of the Bishop
of Huron within the Diocese of Huron, a voice in the Gov-
ernment of the Institution, and whereas the Council of the
said College, the Incorporated Synod of the Diocese of
Huron, and the Colonial and Continental Church Society
of London, England, *who are the only parties interested in*
the matters hereby dealt with have severally consented to the
representation of the Alumni on the said Council in ac-
cordance with the terms hereinafter set forth; and whereas
by the petition of the said Council it is represented that
it is desirable that the various persons composing the said
Council shall continue to be members thereof only so long
as they are competent to perform the duties of their office
as such councillors;

Therefore, His Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario enacts as follows:

1.—(1) From and after the passing of this Act not- Membership
of college
council
increased
by two.
withstanding anything contained in the Act passed in the
sixth year of the reign of His late Majesty, King Edward
the Seventh, Chaptered 139, *or other Act or law* the said
Council shall be increased by the addition of two members,
to be elected by the Alumni of *the* College at their Annual
Meetings in manner following, to wit:—

(2) At the meeting next ensuing the passing of this Election.
Act, two members shall be elected, and thereafter at each
of such annual meetings one member shall be elected.

Term of
office.

2. The members so elected by the Alumni of the College shall hold office as follows, to wit:— of the two members elected at the said first annual meeting ensuing the passing of this Act, the one having the least number of votes shall hold office for one year only. With that exception, all members elected by the Alumni as aforesaid shall hold office for two years.

Qualification.

3. Only duly ordained and strictly Protestant and Evangelical Clergymen of the Church of England in Canada, who hold the license of the Bishop of Huron, and are not salaried employees of the said College, shall be eligible for election by the Alumni as aforesaid, and each member so elected shall before acting conform to all rules and regulations that are in force in respect to the remaining members of the said Council.

Re-election.

4. No member elected by the *Alumni* as aforesaid shall be eligible for re-election until at least one year has elapsed since the termination of his last term of office.

Council may
declare seat
vacant under
certain
conditions.

5. If, at any time, whether by reason of mental or physical infirmity or otherwise, any duly elected member of the said Council, whether co-opted by the representatives of the original Council or elected by the Synod of Huron, or by the Alumni of the College, fails to attend the regular meetings of the said Council for at least one year, the said Council may by resolution declare the seat of such member to be vacant, and thereupon the term of office of such member shall terminate, and it shall be lawful for the said Council to take the necessary steps to elect a member in the place and stead of the said last mentioned member for the residue of the term of office of such last mentioned member.

1906, c. 139,
s. 1 amended.

6. Section 1 of an *Act to amend the Constitution of Huron College*, being 6 Edward VII, Chapter 139, is amended as follows:—

membership
in council.



(a) By striking out all the words beginning with the words "the members" in the eighth line and ending with the words "annual meeting" in the fifty-seventh line and by substituting therefor the following, to wit:—"The members of the said Council shall eventually number eighteen (exclusive of the Bishop of the Diocese of Huron for the time being and the Principal of the College for the time being,


each of whom shall always be a member of the Council ex-officio), of whom (so soon as, having regard to the method of appointing new members hereinafter defined, it may be accomplished) ten shall be clergy and eight laity; and further (after reduction of the said Council by death or otherwise to eighteen, exclusive of the Bishop and the Principal) eight of the said eighteen members shall always consist either of members of the present existing Council, or members co-opted by the survivors of the present existing council, or by the survivors of members so co-opted, while the remaining ten of the said Council, exclusive of the Bishop and the Principal, shall consist of eight members elected by The Incorporated Synod of the Diocese of Huron and two members elected by the Alumni of the College in manner provided by the Act enacting this Amendment.

The present members of the Council shall continue in office and when, by death or otherwise, their number shall have been reduced below eight (exclusive of the Bishop and the Principal, and exclusive also of the Synod members and of the members elected by the Alumni, hereinafter referred to as the Alumni members) then and in such case and so often as the same shall happen, the remaining members of the Council (other than the Synod members and the Alumni members) shall as soon as conveniently may be, at a meeting to be holden separately for that purpose, (of which notice shall be given in such manner as shall be provided by by-law) elect one or more fit and proper person or persons to be a member or members of the Council, in addition to the remaining members thereof, in the place and stead of those who have ceased to be such members, having regard in such election to the provision hereinbefore contained as to the relative proportion of clergy and laity in the said Council to the end that, by

means of such election the number of eighteen members of the Council may be completed inclusive of the Synod members and the Alumni members but exclusive of the Bishop of the Diocese and the Principal of the College.

From and after the period at which the Council shall have been reduced in manner aforesaid to the number of eighteen, the said Council shall consist of not less than five nor more than eighteen members, exclusive of the Bishop and Principal."

- (b) By inserting after the word "members" in the seventy-second line the words "except Alumni members."

1906, c. 139
s. 7 amended. **7.** Section 9 of *An Act to amend the Constitution of Huron College*, being 6 Edward VII, chapter 139, is amended by adding after the word "Act" in the fifth and seventh lines the words "and amendments thereto." 

No. 30.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act to amend the
Constitution of Huron College.

1st Reading,	23rd February, 1922.
2nd Reading.	1922.
3rd Reading.	1922.

*(Reprinted as amended by the
Private Bills Committee.)*

MR. STEVENSON.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the London Street Railway.

WHEREAS the London Street Railway Company Preamble. has by petition represented that by reason of the increased cost of maintaining and operating a street railway the company cannot continue to maintain and operate and to give a street railway service at the rate of fare now in effect, and that in order to enable it to continue its operations and to maintain the said railway in a condition reasonably safe for the travelling public and to so operate the said railway as to give a reasonable service it has by its petition prayed that it should be authorized to so increase the fares as to enable it to obtain sufficient revenue as aforesaid; and whereas subject to the provisions hereinafter contained it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything contained in any agreement or by-law or in any general or special Act of this Legislature the London Street Railway may for the unexpired term of its franchise charge and collect from every person on entering any of their cars for a continuous journey of any distance on their railway from any point therein to any other point on a main or branch line within the limits of the City of London, as now existing or hereafter extended, a sum not exceeding 5c. except for children under five years of age accompanied by a parent or other person having them in charge, such children to travel free, and excepting children between the ages of five and twelve years, such children to be entitled to ride as aforesaid for a sum not exceeding 3c. ; and the said Railway

Authority to charge 5c. car fare.

shall carry free of charge all police constables in uniform and all city firemen in uniform or wearing badges when going to or returning from a fire, and all health and water inspectors and city detectives wearing badges.

Inconsistent
terms of
agreement
or statutes
repealed.

2. All terms and conditions contained in any agreement, by-law or special Act of this Legislature inconsistent with the terms of this Act are hereby repealed.

Commence-
ment of Act.

3. This Act shall come into force and take effect on the day upon which it receives the Royal Assent.

No. 31.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting the London
Street Railway Company.

1st Reading.	1922.
2nd Reading.	1922.
3rd Reading.	1922

(*Private Bill.*)

Mr. BRACKIN.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the London Street Railway.

WHEREAS the London Street Railway Company ^{Preamble.} has by petition represented that by reason of the increased cost of maintaining and operating a street railway the company cannot continue to maintain and operate and to give a street railway service at the rate of fare now in effect, and that in order to enable it to continue its operations and to maintain the said railway in a condition reasonably safe for the travelling public and to so operate the said railway as to give a reasonable service it has by its petition prayed that it should be authorized to so increase the fares as to enable it to obtain sufficient revenue as aforesaid; and whereas subject to the provisions hereinafter contained it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything contained in any agreement or by-law or in any general or special Act of this Legislature the London Street Railway may for the unexpired term of its franchise charge and collect from every person on entering any of their cars for a continuous journey of any distance on their railway from any point therein to any other point on a main or branch line within the limits of the City of London, as now existing or hereafter extended, a sum not exceeding 5c. except for children under five years of age accompanied by a parent or other person having them in charge, such children to travel free, and excepting children between the ages of five and twelve years, such children to be entitled to ride as aforesaid for a sum not exceeding 3c. ; and the said Railway

Authority to
charge 5c.
car fare.

shall carry free of charge all police constables in uniform and all city firemen in uniform or wearing badges when going to or returning from a fire, and all health and water inspectors and city detectives wearing badges.



Increase or
decrease of
fares by
Board.

2. The Ontario Railway and Municipal Board, on the application of the corporation of the City of London, or of the London Street Railway Company, and subject to such terms and conditions as the Board may think proper, increase or decrease from time to time, the fares fixed by section 1.

Effect of
this act
on agreement
between
city and
railway.

3. Except as provided by sections 1 and 2, nothing in this Act contained shall affect any of the provisions contained in the by-law and the agreement as set out in Schedule "A" to 59 Victoria, chapter 105.



Commence-
ment of Act.

4. This Act shall come into force and take effect on the day upon which it receives the Royal Assent.

No. 31.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting the London
Street Railway Company.

1st Reading,	28th March, 1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Reprinted as amended by the Private
Bills Committee.*)

MR. BRACKIN.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Town of Sudbury.

W HEREAS the Municipal Council of the Corporation Preamble.
of the Town of Sudbury, hereinafter called "the corporation," has, by petition, represented that it is desirable that certain by-laws specified in schedule "A" hereto, and the debentures issued and to be issued thereunder, and the assessments made or to be made, and the rates levied or to be levied for payment of said debentures, should be validated and confirmed; and whereas the said Corporation has prayed that an Act may be passed for the above purpose; and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition :

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The by-laws specified in schedule "A" hereto are confirmed and declared to be legal, valid and binding upon said Corporation and the ratepayers thereof; the rates imposed by and to be levied under said by-laws for payment of debts authorized by said by-laws and the interest thereon, are also confirmed and declared to be valid and binding upon the corporation of the Town of Sudbury and the ratepayers thereof. By-laws specified in Schedule "A" confirmed.

2. All debentures issued or to be issued or purporting to be issued under said by-laws or any of them, are confirmed and declared to be valid and binding upon the corporation of the Town of Sudbury, and it shall not be necessary for the purchasers of such debentures to enquire into the validity of the proceedings relating to the issue of same or to see to the application of the proceeds of the sale thereof. Debentures confirmed.

SCHEDULE "A"

No. of by-law.	Date of passing by-law.	Nature of work under by-law.	Amount of debt created.	Amt. payable by town.	Amt. payable by ratepayers.	Period of payment.	Rate of interest.
729	22nd A Dec. 1921	by-law to provide for the raising of \$42,000. upon debentures for extensions to the existing electric light system	\$42,000 00	\$42,000 00		10 yrs. 6%	
730	22nd A Dec. 1921	by-law to provide for the raising of \$21,000. to pay for the purchase of a fire truck night soil wagon, road machinery and to build a rock crushing plant	21,000 00	21,000 00		5 yrs. 6%	
733	7th Feb. 1922	A local improvement by-law to provide for borrowing \$13,230.14 on debentures to pay for the construction of storm sewers as therein set forth	13,230 14	9,233 39	3,996 75	20 yrs. 6%	
734	7th Feb. 1922	A local improvement by-law to provide for the raising of \$17,457.01 on debentures to pay for the construction of the water works extensions therein set forth	17,457 01	8,509 44	8,947 57	20 yrs. 6%	
735	7th Feb. 1922	A local improvement by-law to provide for the raising of \$4,840.55 on debentures to pay for the construction of the water works extensions therein set forth	4,840 55	2,769 92	2,070 63	5 yrs. 6%	

No. of by-law.	Date of passing by-law.	Nature of work under by-law.	Amount of debt created.	Amt. payable by town.	Amt. payable by ratepayers.	Period of payment.	Rate of interest.
736	7th Feb. 1922	A local improvement by-law to provide for borrowing \$11,010 79 on debentures to pay for the construction of concrete walks as therein set forth	11,010 79	6,257 02	4,753 77	10 yrs.	6%
737	7th Feb. 1922	A local improvement by-law to provide for borrowing \$7,561.07 on debentures to pay for the construction of the tar macadam pavements as therein set forth	7,561 07	4,531 26	3,029 81	5 yrs.	6%
738	7th Feb. 1922	A local improvement by-law to provide for the raising of \$18,820.42 on debentures to pay for the construction of the sanitary sewers therein set forth	18,820 42	9,064 30	9,756 12	20 yrs.	6%
682	8th Feb. 1921	A by-law to provide for raising \$3,500. upon debentures for the purpose of purchasing certain portions of lands for the purpose of making a more direct highway to connect Carlton St. and Elm St. with the Coniston Road	3,500 00	3,500 00		5 yrs.	6%

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting the Town of Sudbury.

1st reading,	1922.
2nd reading,	1922.
3rd reading,	1922.

(*Private Bill.*)

MR. MCCREA.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the City of St. Thomas.

WHEREAS the Municipal Corporation of the City ^{Preamble.} of St. Thomas, has by its petition prayed that an Act may be passed, detaching from the Township of Yarmouth, and annexing to the City of St. Thomas, that part of the west half of Lot Number 7, in the Ninth Concession of the Township of Yarmouth, lying south of the right of way of the Grand Trunk Railway (except one acre sold to one Leonard) and containing 39 acres more or less, and also that part of the east half of Lot Number 6, in the said ninth Concession of the said Township of Yarmouth, lying south of the right of way of the Grand Trunk Railway, (except one quarter of an acre in the north east corner thereof and one acre in the south east corner thereof) containing 39 acres more or less; and authorizing the council of the said city to use for other than market purposes, and to grant, sell and convey or lease the old City Hall site, being Lot Number 15, on Plan 21, known as the Wilcox lot, and Lot No. 21 on Plan 1, and the St. Andrew's market site, being Lots numbers 3 and 4 on the east side of Stanley Street and Lots numbers 9, 10 and 11 on the west side of William Street, in the said city, and that the conveyance to the city of the said market site may be varied accordingly; fixing the date for nomination of candidates for all offices to be filled at the municipal elections, on the last Monday in the month of November and the polling on the first Monday in December in each year commencing with the municipal elections for the year 1923; authorizing the consolidating of the amount expended in remodelling the street car barns of \$14,369.33 and the overdraft on Street Railway account of \$18,296.88 into one sum of \$32,666.21, and the issuing of debentures therefor; authorizing the passing of by-laws for purchasing, leasing and operating of busses or vehicles driven by electricity, gasoline or other motive power along the streets and to and through the public parks of the city, and fixing, charging and collecting rates of fare therefor, and using and substituting such busses for the cars of the street railway, and altering the routes of such street cars and busses, and for

providing for the cost of such busses and of any deficit in the yearly operation of the same; and authorizing the council of the city to pass a by-law without the assent of the electors for the sum of \$30,000 for the construction of storm sewers; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Annexation of
certain des-
cribed lands
to city.

1. The following lands are hereby detached from the Township of Yarmouth and annexed to the City of St. Thomas, and shall from and after the passing of this Act form part of the Municipality of the City of St. Thomas for all purposes, that is to say,—

(1) That part of the west half of Lot Number 7, in the Ninth Concession of the Township of Yarmouth lying south of the right of way of the Grand Trunk Railway (except one acre sold to one Leonard) and containing 39 acres more or less; and,

(2) that part of the east half of Lot Number 6 in the ninth concession of said Township of Yarmouth lying south of the right of way of the Grand Trunk Railway (excepting one quarter of an acre in the north east corner thereof and one acre in the south east corner thereof) and containing 39 acres more or less.

Authority to
sell or lease
old city
hall site.

2. The Municipal Council of the City of St. Thomas, may use for other than market purposes, and may grant, sell and convey or lease the old city hall site, being Lot Number 15 on Plan 21, known as the Wilcox Lot and Lot Number 21 on Plan 1, and the St. Andrews Market site, being Lots numbers 3 and 4 on the east side of Stanley Street and Lots Numbers 9, 10 and 11 on the west side of William Street in the said city, as the same are no longer required for market purposes, and the conveyance to the city of the said market site from Joseph O. Kains, dated 7th January, 1879, and registered as Number 6626 for St. Thomas is hereby varied accordingly.

New dates
for
nomination
meeting and
municipal
elections.

3. The nomination meeting for Mayor, Aldermen, Commissioners and all other offices to be filled at the annual municipal elections shall hereafter be held on the last Monday in the month of November, and the polling for all such offices shall hereafter be held on the first Monday in the month of December commencing with the municipal elections for the year 1923, provided that if the day so fixed for nomination or polling, shall in any year fall on a Statutory holiday, such nomination or polling shall be held on the next following day.

4. The Municipal Council of the City of St. Thomas may without the assent of the electors qualified to vote on money by-laws, pass a by-law to borrow a sum not exceeding \$32,666.21 by the issue of debentures payable within a period of twenty years, and bearing interest at such rate as the council may determine, for the purpose of paying and discharging certain debts incurred for the following purposes;

Authority to borrow \$32,666.21 on debentures without assent of electors for certain purposes.

Amount expended in remodelling Street Car	
Barns for Metal Signs Limited and Orange	
Crush Limited	\$14,369.33
Overdraft on Street Railway Account	18,296.88

5. The Municipal Council of the City of St. Thomas may purchase or lease, and use and operate over and along the streets and to and through the public parks of the city, busses or vehicles for the conveyance of passengers, driven by electricity, gasoline or other motive power; and may fix charge and collect rates of fare therefor; and may use and substitute such busses or vehicles in place of the cars of the St. Thomas Street Railway, if and when found expedient; and may alter and vary the routes of such street cars and busses as traffic may require; and may include the cost of providing such busses and any deficit in operating the same, in the annual estimates of expenditure from time to time; and with the assent of the electors qualified to vote on money by-laws, may pass a by-law or by-laws to pay the cost of purchasing such busses.

Authority to establish and operate bus line.

6. The Municipal Council of the City of St. Thomas may without the assent of the electors qualified to vote on money by-laws, pass a by-law to borrow the sum of \$30,000 by the issue of debentures for paying the cost of the construction of storm sewers, payable within a period of twenty years and bearing interest at such rate as the council may determine.

Authority to borrow \$30,000 on debentures for construction of storm sewers.

7. No irregularity in the form of any by-law passed, or the debentures issued thereunder and under the authority of this Act shall render the same invalid, but the same shall be valid, legal and binding on the municipality.

Irregularity not to invalidate

8. This Act shall come into force and take effect on the day which it receives the Royal Assent.

Commencement of Act.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting the City of
St. Thomas.

1st Reading,	1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Private Bill.*)

MR. MACVICAR.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the City of St. Thomas.

WHEREAS the Municipal Corporation of the City of St. Thomas, has by its petition prayed that an Act may be passed, detaching from the Township of Yarmouth, and annexing to the City of St. Thomas, that part of the west half of Lot Number 7, in the Ninth Concession of the Township of Yarmouth, lying south of the right of way of the Grand Trunk Railway (except one acre sold to one Leonard) and containing 39 acres more or less, and also that part of the east half of Lot Number 6, in the said ninth Concession of the said Township of Yarmouth, lying south of the right of way of the Grand Trunk Railway, (except one quarter of an acre in the north east corner thereof and one acre in the south east corner thereof) containing 39 acres more or less; and authorizing the council of the said city to use for other than market purposes, and to grant, sell and convey or lease the old City Hall site, being Lot Number 15, on Plan 21, known as the Wilcox lot, and Lot No. 21 on Plan 1, and the St. Andrew's market site, being Lots numbers 3 and 4 on the east side of Stanley Street and Lots numbers 9, 10 and 11 on the west side of William Street, in the said city, and that the conveyance to the city of the said market site may be varied accordingly; fixing the date for nomination of candidates for all offices to be filled at the municipal elections, on the last Monday in the month of November and the polling on the first Monday in December in each year commencing with the municipal elections for the year 1923; authorizing the consolidating of the amount expended in remodelling the street car barns of \$14,369.33 and the overdraft on Street Railway account of \$18,296.88 into one sum of \$32,666.21, and the issuing of debentures therefor; authorizing the passing of by-laws for purchasing, leasing and operating of busses or vehicles driven by electricity, gasoline or other motive power along the streets and to and through the public parks of the city, and fixing, charging and collecting rates of fare therefor, and using and substituting such busses for the cars of the street railway, and altering the routes of such street cars and busses, and for

Preamble.

providing for the cost of such busses and of any deficit in the yearly operation of the same; and authorizing the council of the city to pass a by-law without the assent of the electors for the sum of \$30,000 for the construction of storm sewers; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Annexation of
certain des-
cribed lands
to city.

1. The following lands are hereby detached from the Township of Yarmouth and annexed to the City of St. Thomas, and shall from and after the passing of this Act form part of the Municipality of the City of St. Thomas for all purposes, that is to say,—

(1) That part of the west half of Lot Number 7, in the Ninth Concession of the Township of Yarmouth lying south of the right of way of the Grand Trunk Railway (except one acre sold to one Leonard) and containing 39 acres more or less; and,

(2) that part of the east half of Lot Number 6 in the ninth concession of said Township of Yarmouth lying south of the right of way of the Grand Trunk Railway (excepting one quarter of an acre in the north east corner thereof and one acre in the south east corner thereof) and containing 39 acres more or less.

Authority to
sell or lease
old city
hall site.

2. The Municipal Council of the City of St. Thomas, may use for other than market purposes, and may grant, sell and convey or lease the old city hall site, being Lot Number 15 on Plan 21, known as the Wilcox Lot and Lot Number 21 on Plan 1, and the St. Andrews Market site, being Lots numbers 3 and 4 on the east side of Stanley Street and Lots Numbers 9, 10 and 11 on the west side of William Street in the said city, as the same are no longer required for market purposes, and the conveyance to the city of the said market site from Joseph O. Kains, dated 7th January, 1879, and registered as Number 6626 for St. Thomas is hereby varied accordingly.

New dates
for
nomination
meeting and
municipal
elections.

3. The nomination meeting for Mayor, Aldermen, Commissioners and all other offices to be filled at the annual municipal elections shall hereafter be held on the last Monday in the month of November, and the polling for all such offices shall hereafter be held on the first Monday in the month of December commencing with the municipal elections for the year 1923, provided that if the day so fixed for nomination or polling, shall in any year fall on a Statutory holiday, such nomination or polling shall be held on the next following day.

4. The Municipal Council of the City of St. Thomas may without the assent of the electors qualified to vote on money by-laws, pass a by-law to borrow a sum not exceeding \$32,666.21 by the issue of debentures payable within a period of twenty years, and bearing interest at such rate as the council may determine, for the purpose of paying and discharging certain debts incurred for the following purposes;

Authority to borrow \$32,666.21 on debentures without assent of electors for certain purposes.

Amount expended in remodelling Street Car Barns for Metal Signs Limited and Orange Crush Limited	\$14,369.33
Overdraft on Street Railway Account	18,296.88

5. The Municipal Council of the City of St. Thomas may purchase or lease, and use and operate over and along the streets and to and through the public parks of the city, busses or vehicles for the conveyance of passengers, driven by electricity, gasoline or other motive power; and may fix charge and collect rates of fare therefor; and may use and substitute such busses or vehicles in place of the cars of the St. Thomas Street Railway, if and when found expedient; and may alter and vary the routes of such street cars and busses as traffic may require; and may include the cost of providing such busses and any deficit in operating the same, in the annual estimates of expenditure from time to time; and with the assent of the electors qualified to vote on money by-laws, may pass a by-law or by-laws to pay the cost of purchasing such busses, ^{and} by the issue and sale of debentures payable within ten years from the date of issue, and at such rate of interest as the Council may determine.

Authority to establish and operate bus line.

6. The Municipal Council of the City of St. Thomas may without the assent of the electors qualified to vote on money by-laws, pass a by-law to borrow the sum of \$30,000 by the issue of debentures for paying the cost of the construction of storm sewers, payable within a period of twenty years and bearing interest at such rate as the council may determine.

Authority to borrow \$30,000 on debentures for construction of storm sewers.

7. No irregularity in the form of any by-law passed, or the debentures issued thereunder and under the authority of this Act shall render the same invalid, but the same shall be valid, legal and binding on the municipality.

Irregularity not to invalidate

Construction
of new pave-
ments on
certain
streets.

Rev. Stat.
c. 193.

8. The Corporation of the City of St. Thomas may, notwithstanding that debentures are outstanding and special assessments have still to fall due for paying the cost of Westrumite Pavements on Wellington, Manitoba and Chestnut Streets and that the lifetime of such works has not expired, construct new pavements on said streets or any of them under the provisions of *The Local Improvement Act*, and in such case the Corporation shall assume and pay the special assessments remaining unpaid for the Westrumite pavements on said streets now charged against the lots fronting or abutting on the new work; and all the provisions of *The Local Improvement Act* and amendments thereto shall apply to such new pavements, in the same manner as if the debentures and special assessments for the Westrumite Pavements had been paid, and the lifetime of such Westrumite pavements had expired.

Commence-
ment of
Act.

9. This Act shall come into force and take effect on the day upon which it receives the Royal Assent.

No. 33.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting the City of
St. Thomas.

1st Reading,	28th February, 1922.
2nd Reading,	1922.
3rd Reading,	1922.

*(Reprinted as amended by the Private
Bills Committee.)*

MR. MACVICAR.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the City of London.

WHEREAS the Corporation of the City of London Preamble.
has, by its petition, prayed for special legislation
in respect of the matters hereinafter set forth; and where-
as it is desirable that by-law number 6541 of the Cor-
poration of the City of London should be confirmed; and
whereas it is expedient to grant the prayer of the said
petition;

Therefore His Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1. By-law number 6541 of the Corporation of the City By-law
No. 6541
confirmed.
of London to provide for the issue of \$250,000 deben-
tures for the Western University of London, Ontario,
passed on the twenty-first day of December, A.D. 1921,
after it had received the assent of a majority of the electors
of the City of London, is confirmed and declared to be
legal, valid and binding.

2. The Corporation of the City of London may, with-
out submitting the same for the assent of the electors.
pass a by-law to amend said by-law number 6541 by pro-
viding for a reduced rate of interest, and for a corres-
ponding decrease in the amount to be raised annually.

Authority to
pass by-law
amending
by-law No.
6541 by
reducing rate
of interest
and decreas-
ing amount to
be raised
annually.

3. The Corporation of the City of London may pass
a by-law or by-laws to amend by-law number 6258, of the
Corporation of the City of London to provide for borrow-
ing \$165,076.44 upon debentures to pay for the construction
of tile sewers with private drain connections as local im-
provements, passed on the twentieth day of December,
A.D. 1920, so far as the construction of a tile sewer in
Knollwood Park District, provided for by by-law number
5971 of the Corporation of the City of London, passed on

Authority to
pass by-law
amending
by-law No.
6258 re
Knollwood
Park District.

the twenty-second day of September, A.D. 1919, as amended, is concerned, by adding to the amount to be paid by the Corporation of the City of London at large for the construction of the said tile sewer in Knollwood Park District, and to be raised by debentures, the sum of \$11,058, by deducting, from the amount to be paid by the property owners for the construction of the said tile sewer in Knollwood Park District, the said sum of \$11,058, by extending the time for payment, by the property owners, of the balance of the cost of the said tile sewer in Knollwood Park District, authorized by said by-law number 5791, as amended, which remains after deducting the said sum of \$11,058, to thirty years, by providing for the issue of debentures to pay for the property owners' share of the cost of the said tile sewer in Knollwood Park District, for thirty years, instead of ten years as provided for by said by-law number 6258, and by making such other amendments as may be necessary or expedient for the purposes aforesaid.

By-law No.
6258 when
amended
declared
valid.

4. By-law number 6258 mentioned in the next preceding section hereof, when amended as provided for by the next preceding section hereof, shall be legal, valid and binding upon the Corporation of the City of London, and upon the property liable for the rates imposed by, or under the authority of, the said by-law, and the validity of the said by-law when amended as aforesaid, and of every such debenture, shall not thereafter be open to question in any court.

1887, c. 58,
s. 8 amended
Removal of
disqualification
of medical
man for
General Hos-
pital Board.

5. Section 8 of *An Act respecting the City of London*, passed in the Fiftieth year of the reign of Her late Majesty Queen Victoria, and chaptered 58, is hereby amended by striking out the words "a medical man in actual practice or," in the first and second lines thereof.

Short title.

6. This Act may be known and cited as *The City of London Act, 1922*.

Commence-
ment of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.

No. 34.

3rd Session, 15th Legislature.
12 George V. 1922.

BILL.

An Act respecting the City of London.

1st Reading.	1922.
2nd Reading.	1922.
3rd Reading.	1922.

(*Private Bill.*)

MR. STEVENSON.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the City of London.

WHEREAS the Corporation of the City of London Preamble. has, by its petition, prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is desirable that by-law number 6541 of the Corporation of the City of London should be confirmed; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law number 6541 of the Corporation of the City By-law No. 6541 confirmed. of London to provide for the issue of \$250,000 debentures for the Western University of London, Ontario, passed on the twenty-first day of December, A.D. 1921, after it had received the assent of a majority of the electors of the City of London, is confirmed and declared to be legal, valid and binding.

2. The Corporation of the City of London may, without submitting the same for the assent of the electors, pass a by-law to amend said by-law number 6541 by providing for a reduced rate of interest, and for a corresponding decrease in the amount to be raised annually. Authority to pass by-law amending by-law No. 6541 by reducing rate of interest and decreasing amount to be raised annually.

3. The Corporation of the City of London may pass a by-law or by-laws to amend by-law number 6258, of the Corporation of the City of London to provide for borrowing \$165,076.44 upon debentures to pay for the construction of tile sewers with private drain connections as local improvements, passed on the twentieth day of December, A.D. 1920, so far as the construction of a tile sewer in Knollwood Park District, provided for by by-law number 5971 of the Corporation of the City of London, passed on Authority to pass by-law amending by-law No. 6258 re Knollwood Park District.

the twenty-second day of September, A.D. 1919, as amended, is concerned, by adding to the amount to be paid by the Corporation of the City of London at large for the construction of the said tile sewer in Knollwood Park District, and to be raised by debentures, the sum of \$10,758, by deducting, from the amount to be paid by the property owners for the construction of the said tile sewer in Knollwood Park District, the said sum of \$10,758, by extending the time for payment, by the property owners, of the balance of the cost of the said tile sewer in Knollwood Park District, authorized by said by-law number 5791, as amended, which remains after deducting the said sum of \$10,758, to thirty years, by providing for the issue of debentures to pay for the property owners' share of the cost of the said tile sewer in Knollwood Park District, for thirty years, instead of ten years as provided for by said by-law number 6258, and by making such other amendments as may be necessary or expedient for the purposes aforesaid.

By-law No.
6258 when
amended
declared
valid.

4. By-law number 6258 mentioned in the next preceding section hereof, when amended as provided for by the next preceding section hereof, shall be legal, valid and binding upon the Corporation of the City of London, and upon the property liable for the rates imposed by, or under the authority of, the said by-law, and the validity of the said by-law when amended as aforesaid, and of every such debenture, shall not thereafter be open to question in any court.

Short title.

5. This Act may be known and cited as *The City of London Act, 1922*.

Commence-
ment of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

No. 34.

3rd Session, 15th Legislature.
12 George V. 1922.

BILL.

An Act respecting the City of London.

1st Reading,	March 7th,	1922.
2nd Reading.		1922.
3rd Reading.		1922.

(Reprinted as amended by *Private
Bills Committee.*)

MR. STEVENSON.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend an Act to incorporate the the Village of Erie Beach.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. This Act may be cited as *The Village of Erie Beach* 1916 c. 70,
Amendment Act, 1922. s. 4 amended
to entitle
village to
membership
in County
Council.

2. Section 4 of *An Act to incorporate the Village of Erie*
Beach is hereby amended by striking out the word "not"
in the first line of the said section.

3. This Act shall come into effect on the day on which Commence-
it receives the Royal assent. ment of Act.

No. 35.

3rd Session, 15th. Legislature,
12 George V, 1922.

BILL.

An Act to amend an Act to incorporate the
Village of Erie Beach.

1st Reading,	1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Private Bill.*)

MR. BRACKIN

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to enable the Town of Riverside to Withdraw from the Jurisdiction of the Council of the County of Essex.

WHEREAS the Corporation of the Town of Riverside Preamble.
has represented that the town will rapidly increase in population and that the town is the centre of a prosperous residential district and on account of the long, narrow territory adjoining the Detroit river its municipal requirements are distinctly different from those of the County of Essex; and whereas the said town has no county roads or bridges within its territory; and whereas the said town has petitioned to have the town withdrawn from the jurisdiction of the Council of the County of Essex; and whereas from the conditions aforesaid as well as from other considerations it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In this Act.—

Interpretation.

(a) "Town" shall mean the Town of Riverside.

(b) "County" shall mean the County of Essex.

2. The Council of the Town of Riverside may pass a by-law to withdraw the town from the jurisdiction of the Council of the County of Essex within which the said town is situated, upon obtaining the assent of the electors of the town to the by-law in the manner provided by *The Municipal Act*. By-law to separate town from county.

Rev. Stat. c. 192.

3. After the passing of the by-law the town shall, as part of the county for judicial purposes, so long as the county court house or gaol is also that of the town, bear and pay its just share or proportion to be agreed upon or settled by arbitration as hereinafter mentioned, of all charges and expenses from time to time incurred for the purposes Town required to pay to county share of certain charges and costs and expenses.

Rev. Stat.
c. 124.

Rev. Stat.
c. 192.

Arbitration
in case of
failure to
agree.

Proclamation
separating
town from
county.

Office of
reeve and
deputy reeve
to cease.

Property of
county.

mentioned in Section 23 of *The Registry Act*, and in erecting, enlarging, improving, repairing or maintaining such court house and gaol and a house of refuge and children's shelter and of their proper lighting, cleaning and heating; of drafting, selecting, enrolling and paying jurors; in providing the accommodation and other matters mentioned in sub-section 1 of section 377 of *The Municipal Act*; and of all other charges relating to the administration of justice, including coroner's inquest and fees of county constables which shall in the first instance be borne and paid by the county, and the salary and expenses of public school inspection in the said county and expenses in connection with examinations for entrance into high school in the said county; excepting only such costs, charges and expenses as the county is entitled to be repaid by the Province of Ontario.

4. If the amount to be borne and paid by the town under section 3 is not mutually agreed upon by the town and county the same shall be ascertained by arbitration under the provisions of *The Municipal Act*.

5. When the agreement or award has been made a copy of the same and of the by-law, duly verified by affidavit, shall be transmitted to the Lieutenant-Governor, who may thereupon issue his proclamation withdrawing the town from the jurisdiction of the council of the county.

6. After the proclamation has been issued the offices of reeve and deputy reeve or deputy reeves of the town shall cease; and no by-law of the council of the county thereafter made shall have any force in the town except so far as relates to the case of the court house and gaol and other county property in the town, if any, and the town shall not thereafter be liable to the county for or be obliged to pay to the county any money for county debts or other purposes, except the sums agreed upon or awarded as aforesaid.

7. After the withdrawal of the town from the county all property theretofore owned by the county, except roads and bridges within the town, shall remain the property of the county.

8. The council of the town after the expiration of five years from the withdrawal may pass a by-law (to be assented to by the electors in manner provided for by *The Municipal Act* in respect of by-laws for creating debts) to reunite with the County of Essex; the by-law shall have no effect unless ratified and confirmed within six months after the passing thereof by the council of the county and unless the terms and conditions which the town is to pay, perform, or be subject to, have been previously agreed upon or settled in manner following, that is to say: before the by-law is confirmed by the council of the county, the councils of the town and county shall determine by agreement the amounts of the debts of the town and county respectively which are to be paid or borne by the county after the re-union or what amount is to be payable by a special rate to be imposed upon the ratepayers of the town, over and above all other county rates, and all other matters relating to property, assets or advantages consequent upon the re-union and affecting the county or town respectively and such other terms and conditions as appear just shall be settled by such agreement; and in default of such agreement being come to within three months after the passing of the by-law by the council of the town the said matters shall be settled by arbitration as provided by *The Municipal Act*.

Provision for
re-union with
county.

No. 36.

3rd Session, 15th. Legislature,
12 George V, 1922.

BILL.

An Act to enable the Town of Riverside to
withdraw from the jurisdiction of
the Council of the County of
Essex.

1st Reading,	1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Private Bill.*)

MR. TOLMIE.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Township of Nepean.

WHEREAS the Municipal Corporation of the Town-^{Preamble.}ship of Nepean, has, by petition, prayed for special legislation in regard to the matters hereinafter set forth ; and whereas said Corporation has entered into an agreement with the Municipal Corporation of the City of Ottawa, dated the 16th day of August, 1921, for the paving of that part of the highway within the City of Ottawa known as Carling Avenue, lying between Fisher Avenue on the East and Merivale Road on the west ; and whereas the southern boundary of said part of Carling Avenue is coincident with a part of the southern boundary of the City of Ottawa ; and whereas such agreement is authorized by section 50 of *The Local Improvement Act* ; and whereas by reason of said agreement and said section of *The Local Improvement Act*, and certain by-laws of the City of Ottawa, the cost of that portion of the work abutting on lands owned by ratepayers is chargeable against said owners, as the owners' portion of the cost of such work. and the Council of the Township of Nepean is desirous of relieving said owners who are ratepayers in the Township of Nepean, from fifty per cent. (50%) of such liability, and charging same against the general funds of the Municipal Corporation of the Township of Nepean ; and whereas the petitioner is desirous of obtaining an Act confirming and validating the agreement, aforesaid, and of validating the special rates imposed, or to be imposed, and to be levied and collected by the Council of the Township of Nepean to defray the owners' portion of the cost of the work mentioned in said agreement, chargeable against ratepayers in the Township of Nepean ; and whereas the petitioner desires to be specially authorized, without the assent of the electors, to enter into an agreement and renewals or substitutions thereof from time to time, for a supply of electrical power or energy for the lighting of the highway known as the "Richmond Road," or any part thereof lying between the western limits of the City of

Ottawa and the junction of Carling Avenue and the said Richmond Road, in the Township of Nepean ; and whereas it is expedient to grant the prayer of the said petition :

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Ratepayers to be relieved from 50% of special rates.

1. That the ratepayers of the Township of Nepean, in the County of Carleton, from time to time owning or leasing lands in the Township of Nepean abutting on that part of the highway or street known as "Carling Avenue," lying between Fisher Avenue on the east and the Merivale Road on the west, and said lands, be relieved from fifty per cent. (50%) of their liability for special rates chargeable against them under *The Local Improvement Act*, and an agreement dated the 16th day of August, 1921, made between the City of Ottawa and the Township of Nepean, and certain by-laws and proceedings relative thereto.

Validation.

2. That the said agreement, a copy of which is annexed hereto as schedule "A," and the special rates to defray the owners' portion of the costs of the work mentioned in said agreement, to be levied upon and collected from the said lands in the Township of Nepean, and the ratepayers liable or to be liable therefor, in pursuance of said agreement and as herein otherwise provided, shall be valid and enforceable as well upon, by and against the said lands and the ratepayers of the Township of Nepean, who and whose lands may be specially rated and charged, as the ratepayers generally of the Township of Nepean and the said Municipal Corporations, the respective parties to said agreement, save as herein otherwise provided.

Authority for lighting Richmond Road.

3. (1) The Council of the Municipal Corporation of the Township of Nepean are hereby authorized, without the assent of the electors to enter into as agreement and renewals or substitutions thereof from time to time, for a supply of electrical power or energy for the lighting of the highway known as the "Richmond Road," or any part thereof lying between the western limits of the City of Ottawa and the junction of Carling Avenue and the said Richmond Road, in the Township of Nepean ; provided that no such agreement shall be made or enforceable for a term exceeding ten (10) years.

(2) This section shall be deemed to have effect from and after the First day of June, 1921. When section becomes effective.

4. This Act shall be cited as *The Township of Nepean Act, 1922.* Short title.

5. This Act shall come into force upon the day upon which it receives the Royal Assent. Commencement of Act.

SCHEDULE "A."

Memorandum of Agreement made (in triplicate) this 16th day of the month of August, A.D. 1921.

Between:

The Municipal Corporation of the City of Ottawa, hereinafter called "the City" of the first part

and

The Municipal Corporation of the Township of Nepean, hereinafter called "the Township" of the second part.

Whereas that part of Carling Avenue which lies between Fisher Avenue on the east and the Merivale Road and Fairfax Avenue on the west, forms part of the boundary between the city and the township, within the meaning and intent of Section 50 of *The Local Improvement Act*, although said part of Carling Avenue lies wholly within the boundaries of the City of Ottawa;

And whereas it is by the said section provided that in such case the Corporations of such municipalities may agree:

(a) To undertake in respect of such highway or any part of it, any work which may be undertaken as a Local Improvement under the provisions of the said Act;

(b) As to the Council by which the said work shall be undertaken;

(c) As to whether the Corporation's portion of the cost of such work shall be provided for by borrowing, or shall be included in the estimates of the year, and

(d) As to the proportions in which the Corporations' proportion of the cost shall be borne by such Corporations respectively;

And whereas the said Corporations have agreed that the said portion of Carling Avenue lying between Fisher Avenue on the east and the Merivale Road and Fairfax Avenue on the west shall be paved with asphalt under the provisions of the said Act, and that such work shall be undertaken by the City:

And whereas the Council of the City has procured the reports upon, and an estimate of the cost of the said work, to be made, and a statement of the share or proportion of the cost which should be borne by the land abutting directly on the work and by the said City respectively to be made, all as provided by subsection (1) of section 30 of the said Act;

And whereas the Councils of the said Corporations have agreed, the each with the other, under the authority of section 50 of the said Act in manner as hereinafter provided;

Now therefore this Agreement witnesseth:

1. The said City shall undertake, construct, complete and maintain an asphalt pavement as a Local Improvement, under the provisions of *The Local Improvement Act*, on that part of Carling Avenue which lies between Fisher Avenue on the east and the Merivale Road and Fairfax Avenue on the west.

2. The said pavement shall be constructed in accordance with the report of the City Engineer of the said City (a copy whereof is annexed to this agreement) and the cost thereof shall be apportioned between the owners of the land abutting directly on the work, specially assessed therefor, and the said Corporations, in accordance with the provisions of the said report, save as herein otherwise set forth.

5.

3. The owners' portion of the cost of the said work shall be borne as provided by the special assessment roll prepared by the Assessment Commissioner of the said City, (a copy whereof is annexed to this Agreement).

4. The Corporations' portion of the cost of the said work shall be provided for by borrowing upon debentures of the said City payable in fifteen (15) years equal annual instalments of principal and interest.

5. The Corporations' portion of the cost of the said work shall be borne one-half by the said City and the other half by the said Township.

6. Each Corporation shall pass such by-laws, make such assessments, and levy and collect such rates in each year during the life-time of the said debentures as are and shall be authorized by law and necessary in order to collect the amounts levied or to be levied for the cost of the said work.

7. The Corporation of the Township shall on demand therefor at any time after the 14th day of December in each year, during the currency of the said debentures, pay over to the Corporation of the City the sums which are authorized to be levied and collected in that year by it under the provisions of subsection (4) of section 50 of the said Act, and the by-law or by-laws of the initiating Council, whether or not such rates have been collected from the persons liable to pay them.

8. And in consideration of the covenants of the Township herein contained and notwithstanding subsection (9) of section 50 of *The Local Improvement Act*, the City covenants with the said Township that the City shall from time to time and at all times hereafter well and truly save, defend and keep harmless and fully indemnify the said Township and the ratepayers thereof, its successors and their heirs, executors, administrators and assigns, and its lands and chattels, of, from and against all loss, costs, charges, damages and expenses which the said Township and the ratepayers thereof, its successors and their heirs, executors, administrators or assigns, or any of them, may at any time or times hereafter bear, sustain, suffer, be at, or put unto for or by reason of the maintenance and repair of the said part of Carling Avenue and the said work, and generally for and by reason of anything in any action, matter or thing incidental or relative thereto, the liability for which is not expressly assumed by the Township under this agreement.

In witness whereof the said Corporations have respectively executed this Agreement by their proper officers in that behalf and have caused their respective Corporate Seals to be affixed thereto, pursuant to by-law duly passed.

Signed, sealed and delivered
in the presence of

Corporation City of Ottawa,

(Sgd.)

F. H. PLANT,
Mayor,

(Sgd.)

NORMAN H. LETT,
City Clerk.

(Sgd.) KEITH F. GARVOCK.

(SEAL)

No. 37.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting the Township of
Nepean.

1st Reading,	1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Private Bill.*)

MR. HILL.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Township of Nepean.

WHEREAS the Municipal Corporation of the Town- Preamble.
ship of Nepean, has, by petition, prayed for special
legislation in regard to the matters hereinafter set forth ;
and whereas said Corporation has entered into an agree-
ment with the Municipal Corporation of the City of Ot-
tawa, dated the 16th day of August, 1921, for the paving
of that part of the highway within the City of Ottawa
known as Carling Avenue, lying between Fisher Avenue
on the East and Merivale Road on the west ; and whereas
the southern boundary of said part of Carling Avenue is
coincident with a part of the southern boundary of the
City of Ottawa ; and whereas such agreement is author-
ized by section 50 of *The Local Improvement Act* ; and
whereas by reason of said agreement and said section of
The Local Improvement Act, and certain by-laws of the
City of Ottawa, the cost of that portion of the work abut-
ting on lands owned by ratepayers is chargeable against
said owners, as the owners' portion of the cost of such work.
and the Council of the Township of Nepean is desirous
of relieving said owners who are ratepayers in the Town-
ship of Nepean, from fifty per cent. (50%) of such lia-
bility, and charging same against the general funds of the
Municipal Corporation of the Township of Nepean ; and
whereas the petitioner is desirous of obtaining an Act con-
firming and validating the agreement, aforesaid, and of
validating the special rates imposed, or to be imposed, and
to be levied and collected by the Council of the Township
of Nepean to defray the owners' portion of the cost of the
work mentioned in said agreement, chargeable against rate-
payers in the Township of Nepean ; and whereas the peti-
tioner desires to be specially authorized, without the as-
sent of the electors, to enter into an agreement and re-
newals or substitutions thereof from time to time, for a
supply of electrical power or energy for the lighting of
the highway known as the "Richmond Road," or any part
thereof lying between the western limits of the City of

Ottawa and the junction of Carling Avenue and the said Richmond Road, in the Township of Nepean ; and whereas it is expedient to grant the prayer of the said petition :

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Ratepayers to be relieved from 50% of special rates.

1. That the ratepayers of the Township of Nepean, in the County of Carleton, from time to time owning or leasing lands in the Township of Nepean abutting on that part of the highway or street known as "Carling Avenue," lying between Fisher Avenue on the east and the Merivale Road on the west, and said lands, be relieved from fifty per cent. (50%) of their liability for special rates chargeable against them under *The Local Improvement Act*, and an agreement dated the 16th day of August, 1921, made between the City of Ottawa and the Township of Nepean, and certain by-laws and proceedings relative thereto and that the amounts equivalent to fifty per centum of said special rates be included in the general rates of the Township.



Validation.

2. That the said agreement, a copy of which is annexed hereto as schedule "A," and the special rates to defray the owners' portion of the costs of the work mentioned in said agreement, to be levied upon and collected from the said lands in the Township of Nepean, and the ratepayers liable or to be liable therefor, in pursuance of said agreement and as herein otherwise provided, shall be valid and enforceable as well upon, by and against the said lands and the ratepayers of the Township of Nepean, who and whose lands may be specially rated and charged, as the ratepayers generally of the Township of Nepean and the said Municipal Corporations, the respective parties to said agreement, save as herein otherwise provided.

Authority for lighting Richmond Road.

3. (1) The Council of the Municipal Corporation of the Township of Nepean are hereby authorized, without the assent of the electors to enter into as agreement and renewals or substitutions thereof from time to time, for a supply of electrical power or energy for the lighting of the highway known as the "Richmond Road," or any part thereof lying between the western limits of the City of Ottawa

and the junction of Carling Avenue and the said Richmond thereto.

Road, in the Township of Nepean ; provided that no such agreement shall be made or enforceable for a term exceeding ten (10) years.

(2) This section shall be deemed to have effect from and after the First day of June, 1921. When section becomes effective.

4. This Act shall be cited as *The Township of Nepean Act, 1922.* Short title.

5. This Act shall come into force upon the day upon which it receives the Royal Assent. Commencement of Act.

SCHEDULE "A."

Memorandum of Agreement made (in triplicate) this 16th day of the month of August, A.D. 1921.

Between:

The Municipal Corporation of the City of Ottawa, hereinafter called "the City" of the first part

and

The Municipal Corporation of the Township of Nepean, hereinafter called "the Township" of the second part.

Whereas that part of Carling Avenue which lies between Fisher Avenue on the east and the Merivale Road and Fairfax Avenue on the west, forms part of the boundary between the city and the township, within the meaning and intent of Section 50 of *The Local Improvement Act*, although said part of Carling Avenue lies wholly within the boundaries of the City of Ottawa;

And whereas it is by the said section provided that in such case the Corporations of such municipalities may agree:

(a) To undertake in respect of such highway or any part of it, any work which may be undertaken as a Local Improvement under the provisions of the said Act;

(b) As to the Council by which the said work shall be undertaken;

(c) As to whether the Corporation's portion of the cost of such work shall be provided for by borrowing, or shall be included in the estimates of the year, and

(d) As to the proportions in which the Corporations' proportion of the cost shall be borne by such Corporations respectively;

And whereas the said Corporations have agreed that the said portion of Carling Avenue lying between Fisher Avenue on the east and the Merivale Road and Fairfax Avenue on the west shall be paved with asphalt under the provisions of the said Act, and that such work shall be undertaken by the City:

And whereas the Council of the City has procured the reports upon, and an estimate of the cost of the said work, to be made, and a statement of the share or proportion of the cost which should be borne by the land abutting directly on the work and by the said City respectively to be made, all as provided by subsection (1) of section 30 of the said Act;

And whereas the Councils of the said Corporations have agreed, the each with the other, under the authority of section 50 of the said Act in manner as hereinafter provided;

Now therefore this Agreement witnesseth:

1. The said City shall undertake, construct, complete and maintain an asphalt pavement as a Local Improvement, under the provisions of *The Local Improvement Act*, on that part of Carling Avenue which lies between Fisher Avenue on the east and the Merivale Road and Fairfax Avenue on the west.

2. The said pavement shall be constructed in accordance with the report of the City Engineer of the said City (a copy whereof is annexed to this agreement) and the cost thereof shall be apportioned between the owners of the land abutting directly on the work, specially assessed therefor, and the said Corporations, in accordance with the provisions of the said report, save as herein otherwise set forth.

5.

3. The owners' portion of the cost of the said work shall be borne as provided by the special assessment roll prepared by the Assessment Commissioner of the said City, (a copy whereof is annexed to this Agreement).

4. The Corporations' portion of the cost of the said work shall be provided for by borrowing upon debentures of the said City payable in fifteen (15) years equal annual instalments of principal and interest.

5. The Corporations' portion of the cost of the said work shall be borne one-half by the said City and the other half by the said Township.

6. Each Corporation shall pass such by-laws, make such assessments, and levy and collect such rates in each year during the life-time of the said debentures as are and shall be authorized by law and necessary in order to collect the amounts levied or to be levied for the cost of the said work.

7. The Corporation of the Township shall on demand therefor at any time after the 14th day of December in each year, during the currency of the said debentures, pay over to the Corporation of the City the sums which are authorized to be levied and collected in that year by it under the provisions of subsection (4) of section 50 of the said Act, and the by-law or by-laws of the initiating Council, whether or not such rates have been collected from the persons liable to pay them.

8. And in consideration of the covenants of the Township herein contained and notwithstanding subsection (9) of section 50 of *The Local Improvement Act*, the City covenants with the said Township that the City shall from time to time and at all times hereafter well and truly save, defend and keep harmless and fully indemnify the said Township and the ratepayers thereof, its successors and their heirs, executors, administrators and assigns, and its lands and chattels, of, from and against all loss, costs, charges, damages and expenses which the said Township and the ratepayers thereof, its successors and their heirs, executors, administrators or assigns, or any of them, may at any time or times hereafter bear, sustain, suffer, be at, or put unto for or by reason of the maintenance and repair of the said part of Carling Avenue and the said work, and generally for and by reason of anything in any action, matter or thing incidental or relative thereto, the liability for which is not expressly assumed by the Township under this agreement.

In witness whereof the said Corporations have respectively executed this Agreement by their proper officers in that behalf and have caused their respective Corporate Seals to be affixed thereto, pursuant to by-law duly passed.

Signed, sealed and delivered
in the presence of

Corporation City of Ottawa,

(Sgd.)

F. H. PLANT.

Mayor,

(Sgd.)

NORMAN H. LETT,

City Clerk.

(Sgd.) KEITH F. GARVOCK.

(SEAL)

No. 37.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting the Township of
Nepean.

1st Reading,	2nd March, 1922.
2nd Reading,	1922.
3rd Reading,	1922.

(Reprinted as amended by the Private
Bills Committee.)

MR. HILL.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the County of Carleton.

WHEREAS the Municipal Corporation of the County ^{Preamble.}
of Carleton has by its petition prayed that special
legislation be enacted in regard to the matters herein-
after set forth; and whereas, it is expedient to grant the
prayer of the said petition;

Therefore, His Majesty, by and with the advice and con-
sent of the Legislative Assembly of the Province of On-
tario, enacts as follows:—

1. The Council of the Municipal Corporation of the <sup>Power to
borrow
\$44,000
upon debentures.</sup>
County of Carleton may provide by a by-law or by-laws
for borrowing upon debentures, bearing interest at such
rate or rates as the council may determine and payable
within twenty (20) years from the date thereof, the sum
of Forty-four Thousand dollars (\$44,000) to provide for
the loss by discount on the sale of debentures issued under
by-laws numbers 631, 645, 668 as amended by 682, 684
as amended by 699, 701, 702, 726, 727, 728, 737, 738,
748, 754 and 757.

2. It shall not be necessary to obtain the assent of the <sup>Assent of
electors not
required.</sup>
electors of the said County of Carleton to the passing of
any by-law which shall be passed under the provisions of
this Act, or to observe the formalities in relation to the
passing of by-laws prescribed by *The Municipal Act* or
amendments thereto.

2.

Inconsistent
enactments
not to
apply.

Irregulari-
ties not to
invalidate.

3. Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are, or may be, inconsistent with the provisions of this Act, shall not apply to the by-law or by-laws to be passed under the provisions of this Act, and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act, or the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures, or interest thereon, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-laws or of the issue of such debentures, or as to the application of the proceeds thereof.

Short title.

4. This Act may be cited as *The County of Carleton Act, 1922*.

Act to
become
effective.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting the County of
Carleton.

1st Reading.	1922.
2nd Reading.	1922.
3rd Reading.	1922.

(*Private Bill*)

MR. HILL.

TORONTO:
PRINTED BY CLARSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the City of Windsor.

WHEREAS the corporation of the City of Windsor ^{Preamble.} has by its petition represented that it is desirable to change the dates of holding the nomination meeting and election of members of the Council, Board of Education, Board of Water Commissioners, Hydro-Electric Commission of the Corporation and members of the Essex Border Utilities Commission.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. From and after the Fifteenth day of October, 1922, ^{Effect of} this Act shall apply to and govern the Corporation of the ^{Act.} City of Windsor, and in so far as the provisions hereof shall alter, vary or conflict with any of the provisions of *The Municipal Act* or any of the statutes of this Province ^{Rev. Stat.} relating to municipal corporations or amendments thereof, ^{c. 192.} the provisions of this Act shall prevail accordingly.

2. Nomination meetings for members of the Council, ^{New dates} Board of Education, Board of Water Commissioners, ^{for nomina-} Hydro-Electric Commission of the said corporation and ^{tion meeting} and members of the Essex Border Utilities Commission shall ^{and elections,} hereafter be held annually on the last Monday in the month of November, and the election of the said members shall hereafter be held annually on the First Monday in the month of December, provided that if the day so fixed for nomination meeting or election shall in any year fall on a holiday such nomination meeting or election as the case may be shall be held on the next following day.

2.

Application
provisions
of Rev. Stat.
c. 192.

3. Except as by this Act varied, altered or changed, *The Municipal Act* and all other statutes now applicable to the said corporation, its council or officers, shall be in full force and effect.

Short title.

4. This Act shall be known as *The City of Windsor Act*, 1922.

Commence-
ment of
Act.

5. This Act shall come into force upon the day upon which it receives the Royal assent.

No. 39.

3rd. Session, 15th. Legislature,
12 George V, 1922.

BILL.

An Act respecting the City of Windsor.

1st Reading.	1922.
2nd Reading.	1922.
3rd Reading.	1922.

(*Private Bill.*)

MR. TOLMIE.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to authorize the Law Society of Upper Canada to admit Thomas Lindsay Robinette to practise at the Bar of His Majesty's Courts in Ontario.

WHEREAS Thomas Lindsay Robinette, of the City of ^{Preamble.} Toronto in the Province of Ontario, has by his petition, set forth that he did pass his Junior Matriculation Examinations in the Province of Ontario in June, 1916; for three months in the summer of 1916 he was employed as a Law Clerk in the Office of Robinette, Godfrey, Phelan & Lawson in the City of Toronto in the Province of Ontario, and in September, 1916, he resumed his studies and in June, 1917, obtained his Honour Matriculation in the Province of Ontario; that on July 1st, 1917, he resumed his employment in the said office, being employed by the late T. C. Robinette, K.C.; that during the year 1917 he was continually, studying and practising law in the said office with the exception of seven hours a week which he spent at the University of Toronto; that he neglected to file his articles until July 22nd, 1918, as he intended to enlist in some overseas unit and was therefore uncertain as to his future study of law and that he endeavored to enlist and was rejected; that from July 1st, 1917, until January 1st, 1922, he has been continually studying and practising law in the said office of Robinette, Godfrey, Phelan & Lawson with the exception of the time above mentioned; that during his services he has had experience in all branches of the work of the said office including the conducting of litigation; that he has had a large and varied experience and has thereby acquired a good practical knowledge of general law; that he is articled as a law clerk to John Milton Godfrey K.C., of the above mentioned firm; that his articles were received by the Law Society of Upper Canada on the 22nd day of July, 1918, and he was entered as a student-

Rev. Stat.
c. 158.

at-law in the books of the said Society, as of September 1st, 1918; that after January 1st, 1922, he has been employed as a law student in the office of John C. M. German, a Barrister and Solicitor practising in the City of Toronto, where he is at present employed; that he has passed all but the final examinations prescribed by the Law Society of Upper Canada with Honours; that on the completion of his examination in the third year he will have had five years actual, practical training in legal work; that, according to *The Barristers Act* of Ontario it is necessary for a Student-at-Law to be enrolled on the Books of the Law Society of Upper Canada for a period of five years before he may be admitted to practise as a Barrister; that, although the said Thomas Lindsay Robinette will not have been enrolled on the books of the Law Society of Upper Canada for the requisite period of five years on the completion of his examinations and the Law Society are therefore not empowered to exercise any discretion in his case, he will have been in actual training for that length of time; and whereas the said Thomas Lindsay Robinette has prayed that an Act may be passed to enable the Law Society of Upper Canada to admit him to practise at the Bar of His Majesty's Courts in Ontario; and whereas the circumstances appear to be exceptional; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advise and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority
to practise
at Bar on
passing
examina-
tions, etc.

1. It shall and may be lawful for the Law Society of Upper Canada, at any time hereafter, to admit the said Thomas Lindsay Robinette to practise at the Bar of His Majesty's Courts in Ontario, on his paying the proper fees in that behalf, and upon passing such examination as may be prescribed by the said Society, and without complying with any other requirements of the law or any other rules or regulations of the said Society in that behalf.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act to authorize the Law Society of
Upper Canada to admit Thomas
Lindsay Robinette to practise at
the Bar of His Majesty's
Courts, in Ontario.

1st Reading,	1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Private Bill.*)

MR. BRACKIN.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

No. 41.

1922.

BILL

An Act to amend An Act to Incorporate the
Town of Merritton.

Preamble.

WHEREAS the Municipal Corporation of the Town of Merritton, has by its petition represented that it was incorporated by an Act passed in the Eighth year of the reign of His Majesty King George the Fifth, chaptered 68, under which, amongst other things, it was provided that the town should be liable for all rates, taxes and assessments which might be imposed or levied by the County of Lincoln in respect of any system of county highways adopted under *The Highway Improvement Act*, but of the annual amount so payable by the said town to the said county there should be returned or remitted annually to the said town such portion or percentage, if any, as to the Ontario Railway and Municipal Board on application might seem just and proper; and whereas the Ontario Railway and Municipal Board by its order of the 5th of December, A.D. 1918, directed payment by the county to the town of the sum of Eight Hundred and Sixteen (\$816) Dollars annually for a period of ten years; and whereas the county has agreed to make a grant under the provisions of *The Highway Improvement Act* to enable the town to complete the paving of its Main Street and both parties desire that the said Act of incorporation be amended as hereinafter mentioned and the said agreement confirmed: and whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

2.

1918, c. 68,
s. 8, repealed.

1. Section 8 of *An Act to incorporate the Town of Merriton*, being an Act passed in the eighth year of the reign of His Majesty King George the Fifth, chaptered 68, is hereby repealed and the following substituted therefor:

Liability
of town for
rates of
county road
system.

8. The Town of Merriton shall be liable for all rates, taxes and assessments which may be imposed or levied by the County of Lincoln in respect of any system of county highways adopted under *The Highway Improvement Act*.

Rev. Stat.
c. 40.

Power of
Town and
County to
enter into
certain
agreement.

2. The municipal council of the Town of Merriton, in the County of Lincoln, may enter into an agreement providing for a grant by the said county under *The Highway Improvement Act* to complete the paving of the main street of the said Town, and the said agreement when executed shall stand in place of the order of the Ontario Railway and Municipal Board dated the fifth day of December, 1918 and shall be legal, valid and binding upon the said County and the said Town and the ratepayers thereof.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act to amend An Act to incorporate
the Town of Merriton.

1st Reading,	1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Private Bill.*)

MR. GREENLAW.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Village of Iroquois.

WHEREAS the Corporation of the Village of Iroquois Preamble. has by petition represented that it has incurred a floating debt amounting to \$38,300, which has arisen by reason of insufficient levies for a number of years past to pay for High and Public School purposes debentures accruing, County rates for 1921, and otherwise, and by reason of no levy for taxes on the assessments for 1921; and that to liquidate the said floating debt forthwith in addition to meeting the current annual expense would be unduly oppressive on the ratepayers; and whereas the said Corporation has prayed that the various debts be consolidated and that it may be authorized to borrow money by the issue of debentures payable in annual instalments to discharge a portion of said debt to the extent of \$25,000, and that the assessment for the year 1921 made by Sterling W. Wood be validated and that the Council of 1922 be authorized to levy and collect by a sufficient rate on said assessment forthwith after the passing of this Act a sum necessary and requisite to pay the balance of said indebtedness which includes the county rate of 1921 and the costs of both parties to an action in the Supreme Court of Ontario wherein Lorne W. Mulloy acting on behalf of himself and all other ratepayers of said village is plaintiff and the Corporation is defendant; and whereas the total debenture debt of the said corporation amounts to \$27,853.13 and no arrears for principal or interest in connection therewith exist and the total rateable property according to the last revised assessment roll is \$384,303; and whereas it is expedient to grant the prayer of said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Floating debt consolidated: authority to issue debentures for \$25,000.

1. The said debts of the Village of Iroquois referred to as floating debts are hereby consolidated at the sum of \$38,300 and it shall be lawful for the Corporation of the said Village of Iroquois to raise by way of loan on the credit of the debentures hereinafter mentioned and by this Act authorized to be issued from any person the sum of \$25,000 to pay off that amount of the said consolidated debt.

By-law providing for issue of debentures.

2. It shall be lawful for the Corporation of the Village of Iroquois from time to time to pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the reeve and countersigned by the treasurer for the time being in such sums of not less than \$100 and not exceeding \$25,000 in the whole, as the said corporation may from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be payable at such place or places as the said corporation may deem expedient.

Hypothecation and sale of debentures.

3. The Corporation of the Village of Iroquois may for the purpose mentioned in section 6 hereof, raise money by way of loan on the said debentures or sell or dispose of said debentures from time to time as they may deem expedient.

Term of debentures, etc.

4.—(1) The said debentures shall be payable in not more than ten years from the date of issue thereof, and shall bear interest at a rate not exceeding six per cent. per annum and may be issued with or without coupons attached thereto for interest and shall be payable at such place or places as the corporation may deem expedient.

Equal annual instalments of principal and interest.

(2) The said debentures may be issued payable in equal annual instalments of principal and interest, in such manner and in such amounts that the amount payable for principal and interest in any year shall be equal as nearly as possible to what is payable for principal and interest during each of the other years of the period within which the debts are to be discharged.

Authority to levy special "Consolidated Debenture Rate."

5. The said Corporation shall levy in addition to all other rates to be levied in each year a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures to be issued under this Act to be called The Consolidated Debenture Rate.

Application of money.

6. The said debentures and all moneys arising therefrom shall be applied by the said Corporation in payment of the said floating debts and in no other manner.

7. Any by-law under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied. By-law shall not be repealed.

8. It shall not be necessary to obtain the consent of the electors of the said Village of Iroquois to the passing of any by-law which shall be passed under the provisions of this Act or to observe the formalities in relation thereto prescribed by *The Municipal Act*. Consent of electors not required: nor formalities observed.

9. It shall be the duty of the treasurer from time to time of the said Village to keep and it shall be the duty of each of the members from time to time of the said municipal council to procure such treasurer to keep and see that he does keep a proper book of account setting forth the full particulars of each debenture which shall from time to time be issued under the powers conferred by this Act and the amounts derived from the sale thereof and such book of account shall be open to inspection by any ratepayers of the said village at all reasonable hours. Treasurer to keep book of record of debentures.

10. Nothing in this Act contained shall be held or taken to discharge the Corporation of the Village of Iroquois from any indebtedness or liability not included in the said floating debts of the said Village of Iroquois. Indebtedness not included in floating debt not affected.

11. Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be deemed inconsistent with the provisions of this Act or any of them, shall not apply to the by-law or by-laws to be passed by the said Corporation under the provisions of this Act and no irregularity in form of the said debentures or any of them authorized to be issued by this Act or any of the by-laws or by-law authorizing the issue thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the Corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or by-laws or issue of debentures or as to the application of the proceeds thereof. Irregularity not to invalidate.

Assessment of
Sterling W.
Wood
validated.

12. The assessment of the Village of Iroquois for the year 1921 made by Sterling W. Wood is hereby validated and made binding upon the ratepayers of the said Corporation and the municipal council of the said Village for the year 1922 is hereby authorized to levy and collect forthwith after the passing of this Act (no rate having been levied or collected in 1921) by a sufficient rate a sum necessary and requisite to pay and discharge the balance of the said indebtedness including the county rates for 1921 and the costs of both parties to the said action as between solicitor and client in the Supreme Court of Ontario after the same has been ascertained by taxation thereof.

Rate declared
valid.

13. The said rate when so levied upon the said assessment in the manner provided by law shall be valid and binding upon the said ratepayers and the rateable property in said assessment set forth and shall not be questioned in any court of law, and shall be collected in the same manner and with the same power as annual rates are collected.

Act not to
affect right
to collect taxes
for 1922.

14. Nothing in this Act contained shall affect or impair the right to levy a rate and collect taxes for the year 1922.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting the Village of Iroquois.

1st Reading,	1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Private Bill.*)

MR. CASSELMAN.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Hospital For Sick Children.

WHEREAS the Hospital for Sick Children has by its Preamble. petition prayed that an Act be passed increasing the authorized number of trustees from twelve to eighteen and providing for municipal and government aid to cover the hospital's charges for the treatment and maintenance of indigent patients admitted to the hospital from time to time; and whereas it is expedient to grant the prayer of the petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Section 2 of *The Hospital for Sick Children Act, 1915*, 1915 c. 89, s. 2 as amended by 1919 c. 121, s. 1 amended. as amended by section 1 of the Act passed in the ninth year of the reign of His Majesty King George the Fifth, chaptered 121, is hereby amended by striking out the word "twelve" in the fourth line thereof and substituting the word "eighteen" therefor.

2. Section 3 of *The Hospital for Sick Children Act, 1915*, 1915 c. 89, s. 3 as amended by 1919 c. 121, s. 2 repealed. as amended by section 2 of the Act passed in the ninth year of the reign of His Majesty, King George the Fifth, chaptered 121, is hereby repealed and the following substituted therefor:

3. The trustees at present in office shall continue to hold office for the remainder of the respective terms for which they were appointed, and until their successors are chosen, and shall have power to appoint new trustees to bring the total number up to eighteen but no such new trustees shall be appointed except by the unanimous vote of the trustees present at a meeting duly called and constituted for the purpose of considering such appointments.

Responsibility
of municipali-
ties for main-
tenance of
indigent
patients.

Rev. Stat.
c. 300.

3.—(1) Notwithstanding anything in *The Hospitals and Charitable Institutions Act* or any amendments thereto or regulations passed thereunder the corporation of the municipality (if organized) in which an indigent patient admitted to the hospital resided immediately preceding his admission thereto shall be liable, and is hereby authorized and directed to pay to the hospital the charges and treatment and maintenance of such patient, and in the case of his death his burial expenses not exceeding \$15.

Responsibility
of province
for mainten-
ance where
patient resided
in unorganized
district.

(2) Where immediately preceding his admission to the hospital an indigent patient resided in a territory or district within the Province having no municipal organization, The Honorable, The Provincial Treasurer of the Province of Ontario for the time being shall be liable and is hereby authorized and directed to pay to the hospital out of the public funds or money of Ontario the charges for the treatment and maintenance of such patient, and in case of his death his burial expenses not exceeding \$15.

Notice of
admission of
patients to be
sent to muni-
cipalities and
to Provincial
Treasurer.

(3) Where a patient is admitted to the hospital as a public ward patient the hospital shall forthwith thereafter by registered post notify the municipality in which such patient is represented as having resided immediately preceding his admission or The Honorable, The Provincial Treasurer of Ontario where such patient is represented as having resided in a municipality without municipal organization, giving such particulars as may be ascertainable to enable the municipality or The Honourable, The Provincial Treasurer, as the case may be, to identify the patient and stating that the hospital will look to such municipality or The Honorable, The Provincial Treasurer, as the case may be, for payment of the hospital charges for treatment and maintenance of such patient, should he prove to be an indigent patient within the meaning of this Act.

Charges to be
due 30 days
after furnish-
ing of state-
ment.

(4) The charges of the hospital in respect of an indigent patient, for whose treatment and maintenance a municipality or The Honorable, The Provincial Treasurer of the Province of Ontario, as the case may be, is liable hereunder shall become due and be paid at the expiration of thirty days after the hospital shall have furnished a statement of the then accrued charges of the hospital in respect of such indigent patient to the corporation of the municipality or The Honorable, The Provincial Treasurer of the Province of Ontario, as the case may be.

3.

(5) In the event of any dispute arising as to the municipality in which an indigent patient resided immediately preceding his admission to the hospital, such dispute shall be referred to the Senior Judge for the time being of the County Court of the County of York, who may determine the place of residence of such indigent patient for the purpose of fixing liability for the charges for his treatment and maintenance as herein provided and the decision of such Judge shall be final, binding and conclusive on all parties concerned including The Crown, as represented by The Honourable, The Provincial Treasurer of the Province of Ontario.

Residence of patient, if disputed to be determined by Senior Judge of County of York.

4. For the purposes of this act an indigent patient shall be deemed to be one whose father, mother, guardian or other person having or exercising control of his person or property refuses or neglects to pay the hospital's regular charges, or any part thereof, for the treatment and maintenance of such patient for thirty days after same shall have become due and payable.

Meaning of expression "indigent patient."

5. The hospital shall not charge against a municipal corporation or the Honourable, the Provincial Treasurer of the Province of Ontario, for the treatment and maintenance of an indigent patient, a higher rate than \$1.50 per day unless and until the amount payable by the municipality under *The Hospitals and Charitable Institutions Act* in respect of indigent patients is increased, in which event the rate to be charged by the hospital in respect of such patient may be accordingly increased.

Rate of \$1.50 per day may be charged.

Rev. Stat. c. 300.

6. Upon payment by a municipal corporation or The Honourable, the Provincial Treasurer of the Province of Ontario, as the case may be, of the charges of the hospital for the treatment and maintenance or burial of an indigent patient, the parent, guardian or other person having or exercising control of such indigent patient or his property, if any, shall be liable for the amount so paid as for a debt due to such municipal corporation, or to The Honourable, The Provincial Treasurer of the Province of Ontario, making such payment.

Parent or person in control of indigent patient liable to municipality or province for amount paid.

7. Nothing in this Act contained shall relieve the person legally liable for the charges of the hospital for the treatment and maintenance of a patient from liability for payment of such charges to the hospital.

Person legally liable not relieved by this Act.

Application
of provisions
of Rev. Stat.
c. 300.

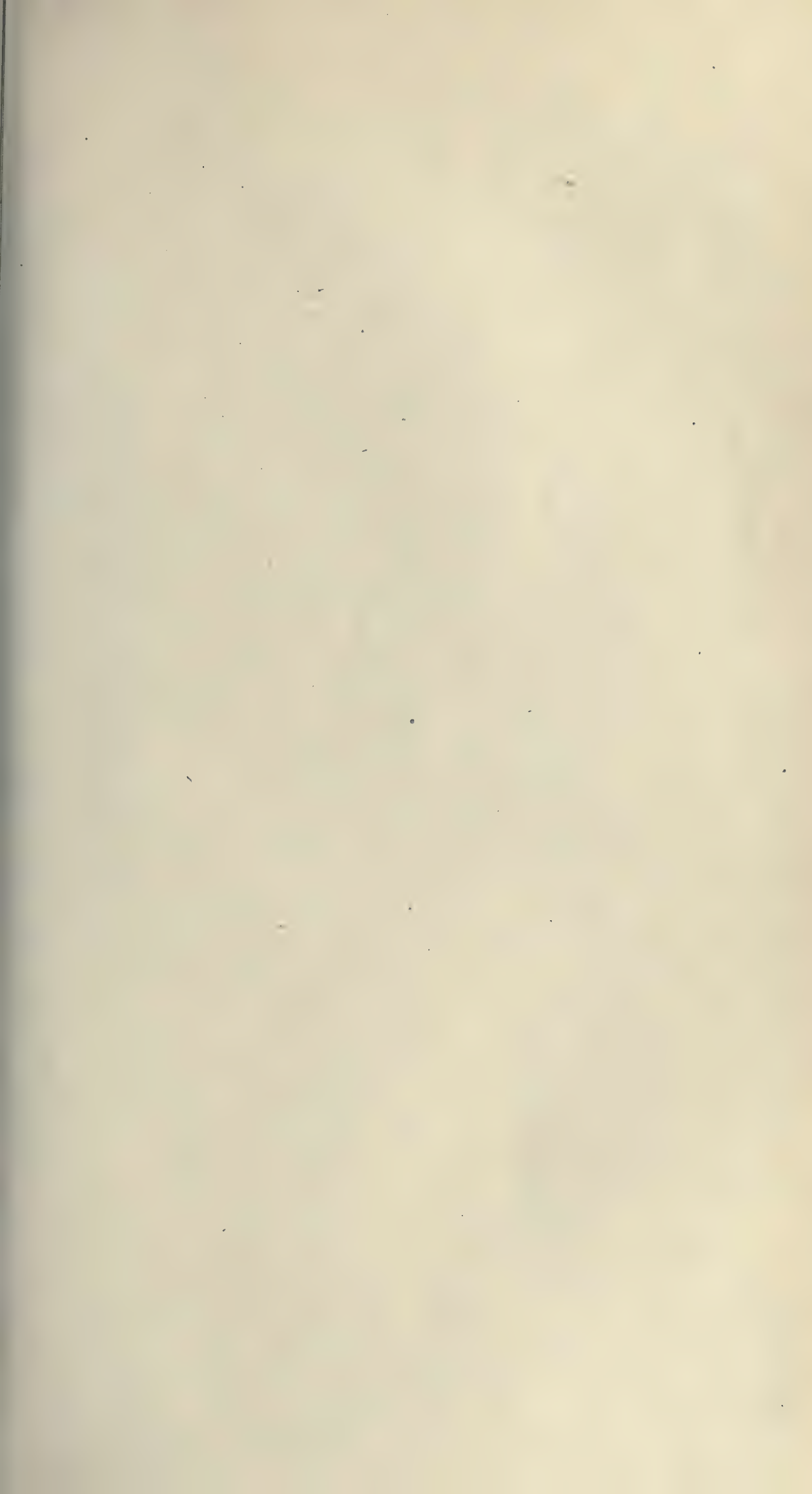
8. Except as otherwise provided in this act, all the provisions of *The Hospitals and Charitable Institutions Act* and amendments thereto, and the regulations passed thereunder so far as the same are applicable, shall continue to apply to the hospital.

Right to per
diem allowance
for public ward
patients under
Rev. Stat.
c. 300.

9. Notwithstanding anything herein or in the regulations passed under *The Hospitals and Charitable Institutions Act* contained, the hospital shall be entitled to receive the provincial aid granted in respect of public ward patients under *The Hospitals and Charitable Institutions Act*, and notwithstanding anything contained in regulation number 34, passed under the said Act, the hospital shall be entitled to receive the regulation per diem allowance in respect of such public ward patient irrespective of the number of days he shall remain in the hospital, and the date of his admission and the date of his discharge—if different days—shall each be counted as a full day and if such patient is admitted and discharged on the same day, such day shall be counted as a full day and shall be allowed for accordingly.

Delivery of
notices under
this Act.

10. All notices, demands or statements required to be given, made or furnished to a municipality or The Honourable, The Provincial Treasurer of Ontario under this Act shall be deemed to have been duly given, made or furnished upon proof that the same were mailed by registered post directed to the municipality or its clerk or to the Honourable, The Provincial Treasurer, as the circumstances may require.



No. 43.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting the Hospital For Sick
Children.

1st Reading,	1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Private Bill.*)

MR. THOMPSON.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Hospital For Sick Children.

WHEREAS the Hospital for Sick Children has by its Preamble.
petition prayed that an Act be passed increasing the
authorized number of trustees from twelve to eighteen and
respecting the hospital's charges for the treatment and main-
tenance of indigent patients admitted to the hospital from
time to time; and whereas it is expedient to grant the
prayer of the petition;

Therefore, His Majesty, by and with the advice and con-
sent of the Legislative Assembly of the Province of Ontario
enacts as follows:—

1. Section 2 of *The Hospital for Sick Children Act, 1915*, 1915, c. 89,
s. 2, as
amended
by 1919,
c. 121, s. 1,
amended.
as amended by section 1 of the Act passed in the ninth year
of the reign of His Majesty King George the Fifth, chap-
tered 121, is hereby amended by striking out the word
“twelve” in the fourth line thereof and substituting the word
“eighteen” therefor.

2. Section 3 of *The Hospital for Sick Children Act, 1915*, 1915, c. 89,
s. 3, as
amended by
1919, c. 121,
s. 2, repealed.
as amended by section 2 of the Act passed in the ninth year
of the reign of His Majesty, King George the Fifth, chap-
tered 121, is hereby repealed and the following substituted
therefor:

3. The trustees at present in office shall continue
to hold office for the remainder of the
respective terms for which they were
appointed, and until their successors are
chosen, and shall have power to appoint
new trustees to bring the total number up
to eighteen but no such new trustees shall
be appointed except by the unanimous vote
of the trustees present at a meeting duly
called and constituted for the purpose of
considering such appointments.

Notice of
admission of
patients to be
sent to muni-
cipalities

3.—(1) Where a patient is admitted to the hospital as a public ward patient the hospital shall forthwith by registered letter post notify the corporation of the municipality in which such patient is represented as having resided preceding his admission, giving such particulars as may be ascertainable to enable the corporation to identify the patient and stating that the hospital will look to such corporation for payment of the hospital charges for treatment and maintenance of such patient, should he prove to be an indigent patient within the meaning of this Act.


Charges to be
due 30 days
after furnish-
ing of state-
ment.

(2) The charges of the hospital in respect of an indigent patient, for whose treatment and maintenance a municipal corporation, is liable hereunder shall become due and be paid at the expiration of thirty days after the hospital shall have furnished a statement of the then accrued charges of the hospital in respect of such indigent patient to the corporation of such municipality.

Residence of
patient,
how
determined.

(3) In the event of any dispute arising as to the municipality in which an indigent patient resided preceding his admission to the hospital, such dispute shall be referred to the Senior Judge for the time being of the County or District Court of the County or District in which the municipality is situate, who may determine the place of residence of such indigent patient for the purpose of fixing liability for the charges for his treatment and maintenance as herein provided and the decision of such Judge shall be final, binding and conclusive on all parties concerned.



(4) Where there is a public hospital equipped for the treatment of diseases or disabilities of children situate in the municipality in which such indigent patient resided preceding his admission to the hospital the municipality shall only be liable for the charges incurred prior to the return to the municipality of the patient in compliance with an order of the head of the municipality requiring his return; but where the Chief Medical Adviser of the hospital reports that it will be dangerous for the patient to return him in compliance with such order the liability of the municipality for such charges shall continue until such time as the Chief Medical Adviser reports that the patient may be safely returned to the municipality. 

3.

4. For the purposes of this act an indigent patient shall be deemed to be a public ward patient whose father, mother, guardian or other person having or exercising control of his person or property refuses or neglects to pay the hospital's regular charges, or any part thereof, for the treatment and maintenance of such patient for sixty days after the same shall have become due and payable.

Meaning of expression "indigent patient."

5. The hospital shall not charge against a municipal corporation for the treatment and maintenance of an indigent patient, a higher rate than \$1.50 per day unless and until the amount payable by the municipal corporation under *The Hospitals and Charitable Institutions Act* in respect of indigent patients is increased, in which event the rate to be charged by the hospital in respect of such patient may be accordingly increased.

Rate of \$1.50 per day may be charged.

Rev. Stat. c. 300.

6. Upon payment by a municipal corporation of the charges of the hospital for the treatment and maintenance or burial of an indigent patient, the parent, guardian or other person having or exercising control of such indigent patient or his property, if any, shall be liable for the amount so paid as for a debt due to such municipal corporation, making such payment.

Parent or person in control of indigent patient liable to municipality for amount paid.

7. Nothing in this Act contained shall relieve the person legally liable for the charges of the hospital for the treatment and maintenance of a patient from liability for payment of such charges to the hospital.

Person legally liable not relieved by this Act.

8. Except as otherwise provided in this act, all the provisions of *The Hospitals and Charitable Institutions Act* and amendments thereto, and the regulations passed thereunder so far as the same are applicable, shall continue to apply to the hospital.

Application of provisions of Rev. Stat. c. 300.

9. All notices, demands or statements required to be given, made or furnished to a municipal corporation under this Act shall be deemed to have been duly given, made or furnished upon proof that the same were mailed by registered letter post directed to the municipal corporation or its clerk.

Delivery of notices under this Act.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting The Hospital for Sick
Children.

1st Reading,	7th March,	1922.
2nd Reading,		1922.
3rd Reading,		1922.

(*Reprinted as amended by the
Private Bills Committee.*)

MR. THOMPSON.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the City of Toronto.

WHEREAS the Corporation of the City of Toronto has by petition prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Council of the Corporation of the City of Toronto may from time to time, without submitting the same to the electors qualified to vote on money by-laws, pass a by-law or by-laws for the issue of "City of Toronto General Consolidated Loan Debentures," to raise such sums as may be requisite to defray the City's share (as may be determined by agreement between the said Council and the Toronto Transportation Commission) of the cost of the widening, laying or re-laying of side-walks and curbs or any other work rendered necessary by the construction, repair, altering, renewal or re-laying of the street car tracks upon the highways of the said City by the said Commission, but nothing herein contained shall affect the right of the Corporation to execute as local improvements any or all of the said works or such part thereof as may properly be performed and charged as local improvement works.

Authority to pass by-laws for issue of debentures for sums requisite to pay for re-construction street car tracks.

No. 44.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting the City of Toronto.

1st Reading,	1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Private Bill.*)

MR. THOMPSON.

TORONTO:
PRINTED BY CLARSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the City of Toronto.

WHEREAS the Corporation of the City of Toronto has Preamble.
by petition prayed for special legislation in respect
of the matter hereinafter set forth; and whereas it is ex-
pedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and con-
sent of the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. The Council of the Corporation of the City of Toronto may from time to time, without submitting the same to the electors qualified to vote on money by-laws, pass a by-law or by-laws for the issue of "City of Toronto General Consolidated Loan Debentures," to raise such sums as may be requisite to defray the City's share (as *has been or may hereafter from time to time* be determined by agreement between the said Council and the Toronto Transportation Commission) of the cost of the widening, *paving or re-paving of highways and the renewal, repair*, laying or re-laying of walks and curbs or any other work rendered necessary by the construction, repair, altering, renewal or re-laying of the street car tracks upon the highways of the said City by the said Commission, but nothing herein contained shall affect the right of the Corporation to execute as local improvements any or all of the said works or such part thereof as may properly be performed and charged as local improvement works.

Authority to
pass by-
laws for
issue of
debentures
for sums
requisite to
to pay for
re-construc-
tion street
car tracks.

Power to
borrow
\$1,012,579.80
for paving
without
consent of
electors.

2. The said Corporation may without submitting the same to the vote of the electors entitled to vote on money by-laws, pass a by-law, or by-laws, to raise the sum of \$1,012,579.30 to provide for the cost *already incurred in the* construction, repair or renewal of certain pavements in connection with the construction, repair and renewal of the street railway tracks of the Toronto Transportation Commission.

1920, c. 144,
amended.

3. The Act respecting the City of Toronto, being chapter 144 of the Statutes of 1920, is amended by inserting after section 16 the following as section 16a:—

Commission
to sue and
be sued in
own name.

16a. All claims, actions and demands arising from or relating to the construction, repair, operation, management or control of the railways and property entrusted to the said Commission under section 7, 9 and 10, or arising from the exercise of any of the powers of such Commission under this Act, shall be made upon and brought against the Commission and not upon or against the Corporation of the City of Toronto, and such Commission may sue and be sued in its own name.

Grant to
buy milk
for school
children.

4. The said Corporation of the City of Toronto may from its current revenue for the year 1922 grant the sum of \$2,000 to the Home and School Club for the purpose of assisting in supplying the school children of the City with pure milk.

Authority
to raise
\$2,197,314.00
without
assent of
electors for
certain
purposes.

5. The Council of the Corporation of the City of Toronto may, without submitting the same to the electors qualified to vote on money by-laws, pass a by-law, or by-laws, for the issue of "City of Toronto General Consolidated Loan Debentures" to raise the sum of \$2,197,314.00, for the following purposes, viz:—

Relief Sewers	\$382,096 00	
Removing and relaying existing 5-foot out-fall pipe, Main Sewage Disposal Works	117,904 00	\$500,000 00
Bridge over Rosedale Ravine at St. Clair Avenue East	712,000 00	

Water Main Extensions—

12-inch main, Rosedale Ravine to Bloor Street	7,591 00	
Mains from Main Pumping Station to Front Street	295,422 00	
20-inch high pressure main on John Street, from Main Pumping Station to Queen Street	134,000 00	
12-inch main Queen Street East, Broadview Avenue to Pape, from Leslie Street to Kingston Road, and from Woodbine Avenue to Beech Avenue	130,000 00	
12-inch main Lansdowne Avenue, Dundas Street to south end of Lansdowne Avenue Subway, thence on Rideau Avenue to Macdonell Avenue, Macdonell Avenue, from Rideau to Wright, and Wright Avenue, Macdonell Avenue to Parkside Drive ...	49,000 00	
12-inch main, Sorauren Avenue, from connection with proposed 12-inch main on Wright Avenue northerly a distance of 1,660 feet	16,520 00	
12-inch main, St. Clarens Avenue, Davenport Road to St. Clair Avenue	17,524 00	
24-inch main, Davenport Road, 53 feet westerly to Sta- tion Street and north on Sta- tion Street to St. Clair Avenue	45,257 00	
	<hr/>	695,314 00
Shelter and refreshment build- ing in High Park	40,000 00	
Live Stock Arena (Balance of Cost)	250,000 00	
Total	\$2,197,314 00	

6. No irregularity in the form of any of the debentures to be issued under authority of the foregoing section or any by-law authorizing the issue thereof, shall render the same invalid or be allowed as a defence to any action against the Corporation for the recovery of the amount thereof or interest thereon or any part thereof.

Irregularity
not to
invalidate.

No. 44.

3rd Session, 15th Legislature.
12 George V, 1922.

BILL.

An Act respecting the City of Toronto.

1st Reading,	22nd March, 1922.
2nd Reading,	1922.
3rd Reading,	1922.

*(Reprinted as amended by the Private
Bills Committee.)*

MR. THOMPSON.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting The Waterloo Wellington Railway Company.

WHEREAS the Waterloo, Wellington Railway Com-^{Preamble.}
pany has by its petition set forth that it was incorporated under the name of The Berlin and Bridgeport Electric Street Railway Company, Limited, on the seventh day of December, 1901, by Letters Patent under the Great Seal of Ontario for the purposes therein set out; and whereas the powers of the said Company have been extended and amended by an Act passed in the second year of the reign of His Majesty King George V, chaptered 131, and by an Act passed in the ninth year of the reign of His Majesty King George V, chaptered 115; and whereas the Company has by its petition prayed that an Act may be passed authorizing the Company to construct, equip and operate an extension of its present railway from a point in or near the Village of Bridgeport, in the County of Waterloo, to the City of Guelph, in the County of Wellington; and increasing its powers of issuing bonds as set out in section 6 of the Act passed in the second year of the reign of His Majesty, King George V, chaptered 131, to \$40,000 per mile of single track; and enabling the Company to charge such fares upon the railway owned and operated by it as shall be approved of and determined by the Ontario Railway and Municipal Board; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority
to extend
railway from
Bridgeport
to Guelph.

1. The Waterloo, Wellington Railway Company is authorized and empowered to survey, lay out, construct, complete, equip and maintain an extension of the Company's Railway line from a point in or near the Village of Bridgeport, in the Township of Waterloo, in the County of Waterloo, to the City of Guelph, in the County of Wellington..

Authority
to issue
bonds to
extent of
\$40,000
per mile.

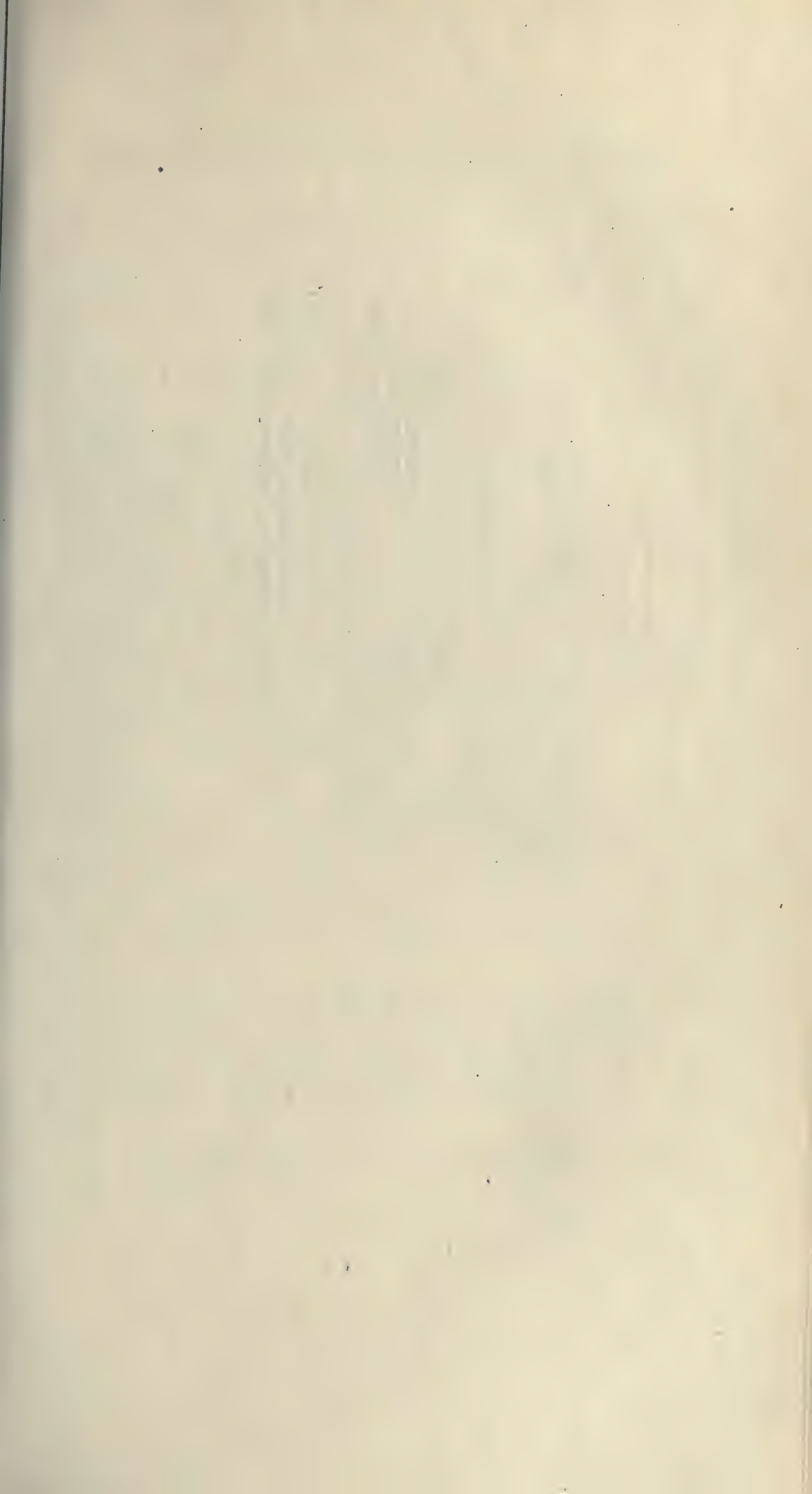
2. The Company may issue bonds, debentures or other securities to the extent of \$40,000 a mile of single track of its railway constructed or under contract to be constructed.

Fares.

3. Notwithstanding any general or special Act of the Province of Ontario, the Waterloo, Wellington Railway Company shall be entitled to charge such fares upon the railway owned and operated by it as shall be approved of and determined by the Ontario Railway and Municipal Board.

1912, c. 131,
s. 6,
repealed.

4. Section 6 of the Act passed in the second year of the reign of His Majesty, King George V, chaptered 131, is repealed.



No. 45.

3rd Session, 15th Legislature,
12 George V. 1922.

BILL.

An Act respecting the Waterloo Wellington Railway Company.

1st Reading,	1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Private Bill*)

MR. ASMUSSEN.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Waterloo Wellington Railway Company

WHEREAS the Waterloo, Wellington Railway Com- Preamble.
pany was incorporated under the name of the Berlin and Bridgeport Electric Street Railway Company, Limited on the seventh day of December, 1901, by Letters Patent under the Great Seal of Ontario for the purposes therein set out; and whereas the powers of the said Company have been extended and amended by the Acts of the Legislature, of the Province of Ontario, being 2, George V. Chapter 131 and 9, George V. Chapter 115; and whereas the Company has by its petition prayed that an Act may be passed authorizing the Company to construct, equip and operate an extension of its present railway from a point in or near the Village of Bridgeport, in the County of Waterloo, to the City of Guelph, in the County of Wellington; and increasing its powers of issuing bonds as set out in Section 6, of the Act 2, George V. Chapter 131, to \$40,000 per mile of single track; and enabling the Company to charge such fares upon the railway owned and operated by it as shall be approved of and determined by the Ontario Railway and Municipal Board: and whereas it is expedient to grant the prayer of the said Petitioners:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Waterloo, Wellington Railway Company is authorized and empowered to survey, lay out, construct, complete, equip and maintain an extension of the Company's Railway line from a point in or near the Village of Bridgeport, in the Township of Waterloo, in the County of Waterloo, to the City of Guelph, in the County of Wellington.

Authority to extend railway from Bridgeport to Guelph.



work on such extension to be commenced within three years and completed within five years of the date upon which this Act comes into force.



Authority
to issue
bonds to
extent of
\$40,000
per mile.

2. The Company may issue bonds, debentures or other securities to the extent of \$40,000 a mile of single track of its railway constructed or under contract to be constructed.

Fares.

3. Notwithstanding any general or special Act of the Province of Ontario, the Waterloo, Wellington Railway Company shall be entitled to charge such fares upon the railway owned and operated by it as shall be approved of and determined  upon due notice to the several municipalities through which the line operates  by the Ontario Railway and Municipal Board.

1912, c. 131,
s. 6,
repealed.

4. Section 6 of the Act of the Legislature of Ontario being 2, George V. Chapter 131, is hereby repealed.

No. 45.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting the Waterloo Wellington Railway Company.

1st Reading,	7th March, 1922.
2nd Reading,	1922.
3rd Reading,	1922.

(Reprinted as amended by the Railway
Committee.)

MR. ASMUSSEN.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to incorporate The Canadian Chiropractic College, Limited.

WHEREAS Ernest Duval, of the City of Toronto, in the County of York, Chiropractor; Ernest Robert Duval, of the said City of Toronto, Chiropractor; Oscar Maxey Hudson, of the said City of Toronto, Chiropractor; Robert Davidson Nimmo, of the said City of Toronto, Chiropractor; and Alice MacD. Reid, of the said City of Toronto, Chiropractor; have by their petition prayed for an Act of incorporation under the name of "The Canadian Chiropractic College, Limited," for the purposes and with the powers hereinafter set forth, and it is expedient to grant the prayer of the said petition. Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Ernest Duval, Ernest Robert Duval, Oscar Maxey Hudson, and such other persons and corporations as shall hereafter become shareholders of the company hereby incorporated, are hereby constituted a body corporate and politic under the name of "The Canadian Chiropractic College, Limited," hereinafter called the "Company." Incorporation.

2. The said Ernest Duval, Ernest Robert Duval and Oscar Maxey Hudson shall be the Provisional Directors of the Company. Provisional Directors.

3. The capital stock of the Company shall be Forty Thousand Dollars divided into Four Thousand shares of Ten Dollars each. Capital Stock.

4. The Head Office of the Company shall be at the City of Toronto, in the Province of Ontario. Head Office.

Powers.

5. The Company may:Establish
College and
Training
School.

(a) Establish and maintain a college and training school for the purpose of imparting knowledge and giving instruction in all branches and subjects relating to chiropractic, and to acquire the college and training school heretofore carried on by the above named Ernest Duval for the above purposes under the name of "The Canadian Chiropractic College":

Examination:
Diplomas.

(b) Test by examinations and otherwise the qualifications of students at such college and training school, and to award and issue diplomas and certificates in respect thereof:

Lectures.

(c) Promote the practice and knowledge of chiropractic by holding lectures, exhibitions, classes and conferences calculated directly or indirectly to advance the cause of chiropractic:

Concerts.

(d) For the same purpose give or arrange concerts and entertainments, and give prizes and awards:

Branch
Colleges.

(e) Establish branch colleges or schools for similar purposes:

Text Books.

(f) Prepare and publish text books upon chiropractic or connected with or relating thereto:

Buildings.

(g) Establish and maintain all necessary buildings and equipment for the above mentioned purposes:

Hospitals
and clinics.

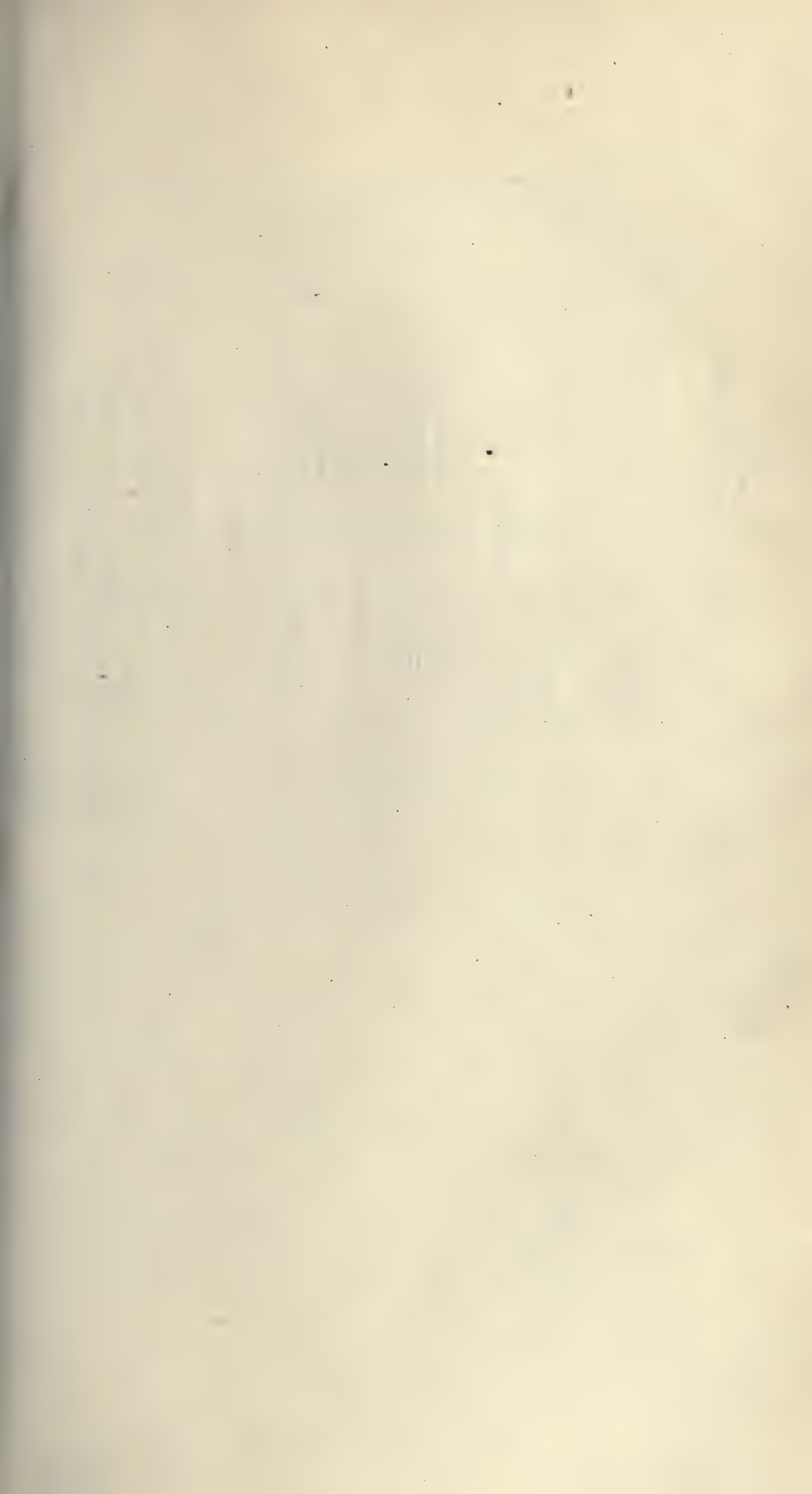
(h) Establish, maintain and conduct sanatoria and hospitals in connection with said college and training school, or for the practice of chiropractic, and conduct clinics public and private.

Application of
provisions of
Rev. Stat.
c. 178.

6. The provisions of *The Ontario Companies Act* in so far as applicable, and where not inconsistent with the provisions of this Act, shall apply to the Company.

Commence-
ment of Act.

7. This Act shall come into force upon the day on which it receives the Royal Assent.



No. 46.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL

An Act to incorporate The Canadian
Chiropractic College, Limited.

1st Reading,	1922.
2nd Reading,	1922.
3rd Reading,	1922.

(Private Bill.)

MR. SWAYZE.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to permit the Co-operative League of America to carry on Business in Ontario.

WHEREAS the Co-operative League of America is an Preamble. unincorporated Association operating under a Deed of Trust formed by an agreement made 2nd October, 1916, between Charles E. Succop, Robert W. Barber, and eight others, as Contractors and Beneficiaries, and Charles E. Succop, Harry J. Bovard and Alvin E. Hutchison, as Trustees designated to operate said Co-Operative League of America, which Trust Agreement is recorded in the Recorder's Office of Allegheny County, Pennsylvania, and under an amended Trust Agreement for the benefit of the Trust Estate which was created, such amended agreement being made the 8th day of May, 1919, and also duly recorded in the Recorder's Office of Allegheny County, Pennsylvania; and whereas the object of the said Co-operative League of America is represented to be the formation of an organization under the management of Trustees for the purpose of accumulating from small savings to be deposited monthly by the persons with whom it makes contracts and who are the beneficiaries of said trust, of a trust fund from which loans are to be made to its members at three per cent. annual interest to be returned by the borrower in small monthly payments with interest; And whereas the plan of operation is that each person on becoming a member of the Association makes a deposit of one per cent. of the face value of the contract he wishes to carry and a monthly deposit thereafter of a like amount into the trust fund, and such monthly deposits into this trust fund before a loan is received, are placed to the credit of the depositor and stand as a credit on his loan when such loan is received by him, and as soon as the total accumulation in said trust fund from its monthly contributors and monthly repayments on loans and other sources of accumulation, has reached the amount desired, same is loaned to the first member in the order of their applications, and so on, such organization thus providing for the

creation by members of a fund out of which loans are made to them, it being a co-operative plan for the accumulation of funds to be loaned at a low rate upon the security of first mortgages; and whereas no provision is made under any Statute of the Province of Ontario for the legal carrying on of such business by such Association, and the Co-Operative League has represented that it is in the interest of the Province of Ontario that such Co-operative plan should be encouraged and proper provisions made for the regulation and inspection of the carrying on of such business, and have asked that an Act be passed to make provision to this effect; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

Authority granted Co-operative League of America to carry on business in Ontario.

1. The Co-operative League of America an unincorporated Association operating under a Deed of Trust is hereby authorized and empowered to carry on within the Province of Ontario its operations and business and to make and issue contracts providing for the creation of funds by receiving from persons with whom it makes said contracts fixed monthly payments and by which the persons with whom such contracts are made agree to make such payments; and providing for loaning of said funds to its contract-holders or their assigns on mortgage in the order of their applications, or the payment, at dates fixed in said contract, out of said funds to contract-holders, of the amounts stipulated in the contract, either with or without a share of the profits earned in the investing and handling of said funds as may be set out in the contract.

Registrar of Loan Corporations to investigate affairs of League; granting or refusal of permission to do business in Ontario.

2. Before the Co-Operative League of America shall carry on its business in Ontario as herein before provided, it shall file with the Registrar of Loan Corporations, an application in writing for his authorization and permission to carry on business. The Registrar may make or cause to be made such investigation of the condition and affairs of the applicant and its general plan of operation, and of the character and general fitness of the managing officers and their ability to honestly and efficiently carry on its business and of the soundness of the plan of operation, as he may think fit, and may in general make such investigation of the affairs and prospects of said League as he sees fit. The Registrar may grant or refuse such permission as he sees fit and may impose such terms and conditions as he sees fit as a term of the granting of same.

3rd Session, 15th Legislature
12 George V, 1922.

BILL.

An Act to permit the Co-operative League
of America to carry on business
in Ontario.

1st Reading,	1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Private Bill*).

MR. BRACKIN.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to authorize the Law Society of Upper Canada to admit Sydney Tannenbaum, to practise as a Barrister and Solicitor.

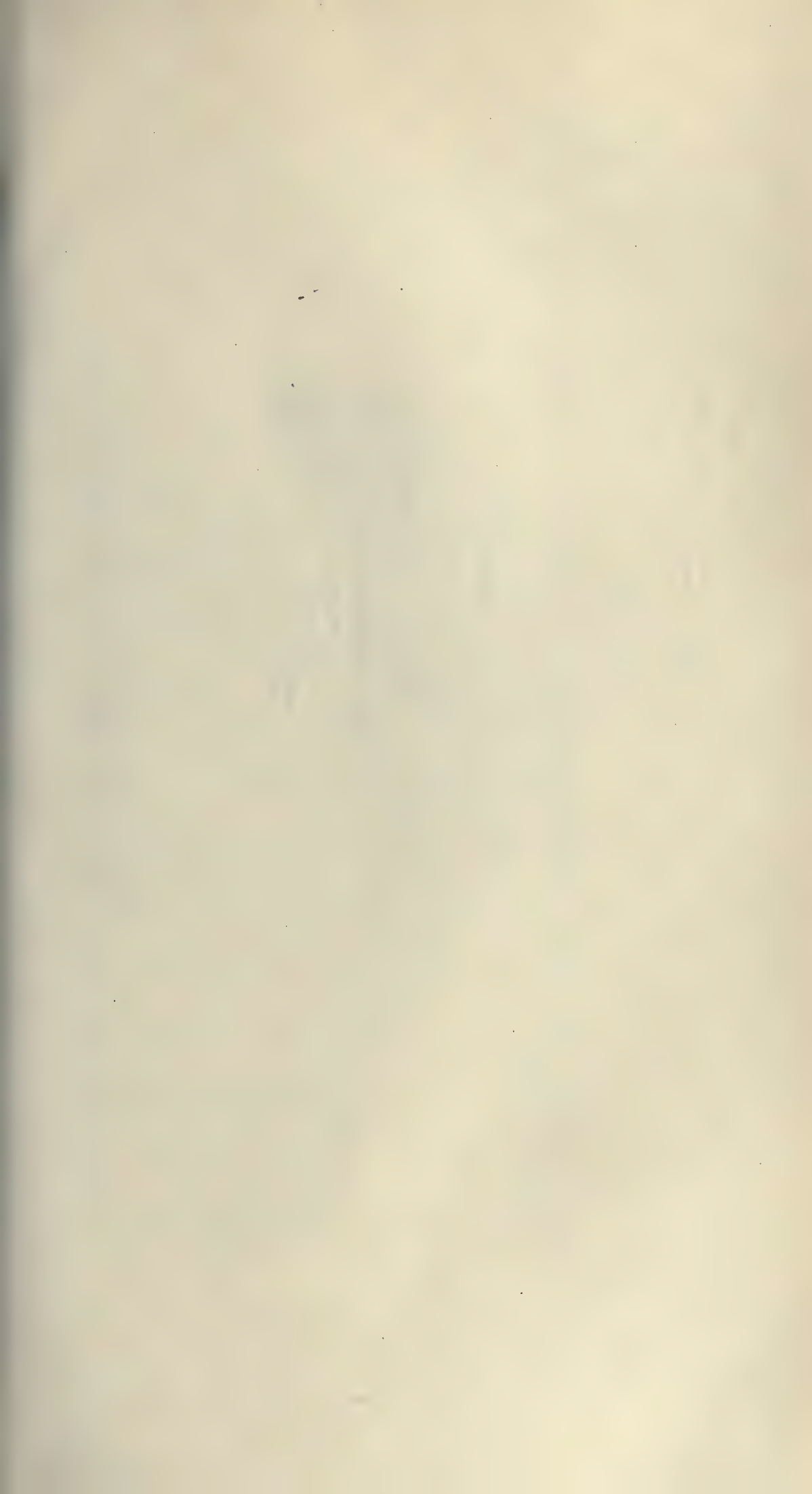
WHEREAS, Sydney Tannenbaum, of the City of Preamble. Ottawa, Province of Ontario, has by his petition set forth that he is a law graduate of the University of Montreal, (Laval) and has received his degree of LL.B. ; that from the 21st day of September, 1916, to the first day of October, 1921, he was articled clerk and duly served as such to N. W. Jacobs, practising advocate, in the City of Montreal, Province of Quebec; that on the 28th day of November, 1921, he filed his application of admission as a student-at-law, at Osgoode Hall and paid the fees required therewith, in accord with the regulations of the Law Society of Upper Canada, and was articled to S. T. Ram, Barrister and Solicitor, in the City of Toronto, Province of Ontario; that he is a married man, having marital and other family dependents, in whose best interests he was forced to carry on his studies in a law school at Montreal, Province of Quebec, instead of in the Province of Ontario; that though he studied in the Province of Quebec, it was never his intention to practise in the said Province, he having been brought up and lived the greater part of his life in the City of Ottawa, Province of Ontario, where he intends residing with his family and to practise his profession; that had he studied in the Province of Ontario instead of in the Province of Quebec, as aforesaid, he would in the usual course of affairs now have been admitted to practise the legal profession in this Province; that by reason of his family responsibilities he is and will be unable to attend the prescribed lectures and continue as a student at Osgoode Hall, in the City of Toronto, but is prepared to pass such an examination in law as may be prescribed, by the Law Society of Upper Canada; and whereas the said Sydney Tannenbaum has prayed that an Act may be passed to enable the Law Society of Upper Canada to admit him to practise at the Bar of His Majesty's Courts in Ontario, and also to practise as a Solicitor in the Supreme Court of Ontario; and whereas the circumstances appear to be exceptional; and whereas it is expedient to grant the prayer of the said petition:

2.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority to
practise as
Barrister and
Solicitor.

1. It shall and may be lawful for the Law Society of Upper Canada, at any time hereafter, to admit the said Sydney Tannenbaum to practise at the Bar of His Majesty's Courts in Ontario, and to practise as a Solicitor in the Supreme Court of Ontario, on his paying the proper fees in that behalf, and upon passing such examination as may be prescribed by the said Society, and without complying with any other requirements of the law or any other rules or regulations of the said Society in that behalf.



No. 48.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL

An Act to authorize the Law Society
of Upper Canada to admit Sydney
Tannenbaum, to practise as a
Barrister and Solicitor.

1st Reading,	1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Private Bill.*)

MR. LENNOX.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the City of Galt.

WHEREAS The Corporation of the City of Galt has Preamble.
by Petition represented that certain pavements hereinafter mentioned have been constructed or are in course of construction in the said City in accordance with the provisions of *The Local Improvement Act*; that no petition was presented against the construction of such pavements; that the entire cost of such pavements is, under the provisions of said Act, assessable against the lots immediately abutting thereon; that the council of the said corporation gave notice of intention to construct a pavement on Main Street from Shade Street to Elgin Street as a local improvement; that Thomas C. Dorner and others, owners of lots abutting on said proposed pavement on Main Street, petitioned the Ontario Railway and Municipal Board against the construction of such pavement and by its order dated the 13th day of October, 1921, the said Board ordered that the City should be at liberty to proceed with the construction of that portion of such work from the south side of Spruce Street to Elgin Street upon condition that the City do pay twenty-five per cent. of that portion of the cost of such pavement that would otherwise be chargeable upon the land abutting directly thereon and the said council thereupon proceeded with the construction of such portion of the said pavement; that pursuant to an order of the Board of Railway Commissioners for Canada, the tracks of the Grand River Railway are being maintained on that portion of Water Street from near Chapman Street to Concession Street and the pavement on such portion of said street is only thirty-one feet wide; and whereas the said council has requested that legislation be granted to provide that the said corporation do pay twenty-five per cent. of that portion of the pavements hereinbefore and hereinafter mentioned which would otherwise be chargeable upon the lands abutting directly on such pavements and that the lots abutting on that portion of said Water Street between the northerly terminus of the tracks of the Grand Rev. Stat. c. 193.

2.

River Railway Company and Concession Street shall be assessed as for a pavement thirty-one feet in width; and whereas it is expedient to grant the prayer of the said petition.

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts, as follows:—

Authority
to pay 25%
cost of
certain
pavement
otherwise
chargeable
against
abutting
lands.

1. The Corporation of the City of Galt shall pay twenty-five per cent. of that portion of the cost of the pavements on Park Avenue; Queen Street West from the easterly end of the bridge to West Main Street; Queen Street West from West Main Street to the tracks of the Grand Trunk Railway Company; Queens Square; North Square Street; South Square Street; George Street from North Square Street to South Square Street; Salisbury Avenue from sixty feet west of Barrie Road to Crescent Street; Crescent Street from Salisbury Avenue three hundred and two feet northerly; Lansdowne Road South; Waterloo Avenue; West Main Street; Concession Street from the east end of the bridge to the tracks of the Grand Trunk Railway Company; Water Street; Cambridge Street from Market Square to Queens Street; Wellington Street from Main Street to Beverly Street; Beverly Street from Wellington Street to the City Limits; Harris Street from Main Street to Bruce Street; Shade Street and Chalmers Street from Main Street to McNaughton Street, which would be otherwise chargeable upon the lands abutting directly on such pavements.

Lots abutting
on certain
portion of
Water St.
to be
assessed for
31' pavement.

2. The Lots abutting on that portion of said Water Street between the Northerly terminus of the tracks of the Grand River Railway Company and Concession Street shall be assessed as for a pavement thirty-one feet in width.

No. 49.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting the City of Galt.

1st Reading.	1922.
2nd Reading.	1922.
3rd Reading.	1922.

(*Private Bill.*)

MR. HOMUTH.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act Respecting the City of Galt.



WHEREAS the Corporation of the City of Galt has by Petition represented that a pavement has been constructed on Water Street in said City in accordance with the provisions of *The Local Improvement Act*; that no petition was presented against the construction of such pavement; that pursuant to an order of the Board of Railway Commissioners for Canada, the tracks of the Grand River Railway are being maintained on that portion of said street from near Chapman Street to Concession Street and by reason thereof the pavement on that portion of said street is only thirty-one feet wide; and whereas the said Council has requested that legislation be granted to provide that the lots abutting on that portion of said Water Street between the northerly terminus of the track of the Grand River Railway Company and Concession Street shall be assessed as for a pavement thirty one feet in width; and whereas it is expedient to grant the prayer of the said Petition.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—



1. The Lots abutting on that portion of said Water Street between the Northerly terminus of the tracks of the Grand River Railway Company and Concession Street shall be assessed as for a pavement thirty-one feet in width.

Lots abutting
on certain
portion of
Water St.
to be
assessed for
31' pavement.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL

An Act respecting the City of Galt.

1st Reading,	28th March, 1922.
2nd Reading,	1922.
3rd Reading,	1922.

(*Reprinted as amended by the Private
Bills Committee.*)

MR. HOWARTH.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Filing of Claims against Certain Companies or their Properties.

Preamble.

WHEREAS The Hydro-Electric Power Commission of Ontario, (hereinafter referred to as "the Commission") proposes to enter into an agreement with The Toronto Railway Company, (hereinafter referred to as "the Railway Company") for the purchase of all of the shares of the capital stock of The Toronto Power Company, Limited, The Toronto & York Radial Railway Company, and the Schomberg and Aurora Railway Company, the shares of The Toronto Power Company carrying with them the ownership of substantially all of the shares of The Electrical Development Company of Ontario, Limited, The Toronto and Niagara Power Company and The Toronto Electric Light Company, Limited; and whereas it is essential to the carrying out of the said agreement that all persons asserting any right or claim against any of the said companies or against any of their properties, arising before the 1st day of December, 1920, being the date as of which the said purchase is to become effective, shall disclose the same to the Commission, as hereinafter provided, so that due provision for the discharge, settlement or other disposition thereof may be made before the final adjustment of accounts between the Commission and the Railway Company; and whereas by reason of the guarantees to be given by His Majesty the King on behalf of the Province of Ontario in connection with the said purchase, it is expedient in the public interest that this Act be passed;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Publication
of notice
requiring
filing of
claims.

1. The Commission and the Railway Company shall cause advertisements substantially in the form set out in schedule "A" to this Act to be inserted five times at intervals of two months in two daily newspapers published in the City of Toronto, in one daily newspaper published in the City of Montreal, in one daily newspaper published in the City of Winnipeg, in one daily newspaper published in the City of London, England, and in one daily newspaper published in the City of New York in the United States of America, the newspapers and the dates of publication therein respectively of the said advertisement to be designated by the Lieutenant-Governor in Council.

Claims barred
if not filed
by certain
date.

2. Any right or claim, other than those referred to in the next succeeding section, held or asserted by any person against the Toronto Power Company, Limited, The Electrical Development Company of Ontario, Limited, The Toronto and Niagara Power Company, The Toronto Electric Light Company, Limited, The Toronto and York Radial Railway Company, or the Schomberg and Aurora Railway Company or any of them or against any of their properties arising before the First day of December, 1920, and whether cause of action had or had not accrued in respect of such right or claims by the said date, of which notice shall not have been given to the Commission within the time provided in the advertisements to be published pursuant to Section 1 of this Act, shall, as against the said companies and their properties, be forever barred.

Act not to
apply to cer-
tain liabilities.

3. This Act shall not apply to rights or claims arising out of any of the bonds, debenture stock or notes specified below, including any rights or claims of any trustee under any deed or deeds of trust securing the same.

- (a) Toronto and Niagara Power Company, 1st Mortgage 5% bonds secured by trust deed to National Trust Company, Limited, dated 1st March, 1903, total outstanding 1st December, 1920, \$1,500,000.
- (b) Electrical Development Company, 1st Mortgage 5% bonds secured by trust deed to National Trust Company, Limited, dated 1st March, 1903, total outstanding 1st December, 1920, \$4,335,000.

3.

- (c) Toronto Power Company, Limited, 1st Mortgage 4½% Debenture stock secured by trust deed to the British Empire Trust Company, Limited, dated 27th July, 1911, total outstanding 1st December, 1920, £2,786,079, and any debenture stock of the said company secured by trust deed to the said the British Empire Trust Company, Limited, issued in exchange therefor.
- (d) Toronto Power Company, Limited, 1st Mortgage bonds secured by trust deed to National Trust Company, Limited, dated 1st July, 1914, total outstanding, 1st December, 1920, \$4,103,200.
- (e) (1) Toronto Electric Light Company, Limited, 1st Mortgage bonds secured by trust deed to National Trust Company, Limited, dated 11th March, 1919, total outstanding, 1st December, 1920, \$1,000,000.
- (2) Toronto Electric Light Company, Limited, 2nd Mortgage bonds secured by trust deed to National Trust Company, Limited, dated 11th March, 1919, total outstanding, 1st December, 1920, \$3,000,000.
- (3) Toronto Electric Light Company, Limited, 6% 3-Year Promissory Notes, secured by collateral trust deed to National Trust Company, Limited, dated 1st July, 1919, total outstanding, 1st December, 1920, \$850,000.

4. If with respect to any right or claim of which notice shall have been given to the Commission in the manner and within the time provided in the advertisements to be published pursuant to Section 1 of this Act, cause of action shall have arisen before the 1st day of April, 1923, and remain unsatisfied, the person having or asserting such right or claim, shall cause proper legal process (which term shall include arbitration proceedings) to enforce such right or claim to be issued and served upon the company against which or against whose property such right or claim is asserted, on or before the 1st day of October, 1923, failing which such right or claim as against the aforesaid companies and their properties shall be forever barred.

Commence-
ment of action
for enforce-
ment of claim.

Act not to re-
vive claims al-
ready barred.

5. Nothing herein contained shall:—

- (a) revive any right or claim against any of the said companies or their properties for the enforcement of which the remedy has been already barred by any statute in force in this Province, or
- (b) extend the period of limitation fixed by any statute in force in this Province for the enforcement of any such right or claim.

Date when Act
takes effect.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

SCHEDULE "A"

The Toronto Power Company, Limited.
 The Electrical Development Company of Ontario, Limited.
 The Toronto and Niagara Power Company.
 The Toronto Electric Light Company, Limited.
 The Toronto & York Radial Railway Company.
 The Schomberg and Aurora Railway Company.

1. Notice is hereby given pursuant to the Statute 12 George V, Chapter (Ontario) that all persons, firms and corporations companies or against any of their properties, arising prior to the 1st of December, 1920, and whether cause of action had or had not accrued in respect of such right or claim by the said date, other than the rights or claims referred to in the next paragraph are hereby required to give notice in writing of such right or claim with precise and definite particulars thereof to the Hydro-Electric Power Commission of Ontario at its head office, University Avenue, in the City of Toronto, not later than the 1st April, 1923, failing which such right or claim shall as against the aforesaid companies and against their properties be forever barred, as is provided in the said statute.

2. Holders of any of the bonds, debenture stock or notes specified below need not give any notice as aforesaid in respect thereof, nor need any trustee under any deed or deeds of trust securing any of the said bonds, debenture stock or notes give notice of any right or claim arising thereunder as they are expressly excluded from the operation of the said statute.

(a) Toronto and Niagara Power Company 1st Mortgage, 5% bonds secured by trust deed to National Trust Company, Limited, dated 1st of March, 1903, total outstanding 1st of December, 1920, \$1,500,000.

(b) Electrical Development Company, 1st Mortgage 5% bonds secured by trust deed to National Trust Company, Limited, dated 1st of March, 1903, total outstanding 1st December, 1920, \$4,335,000.

(c) Toronto Power Company, Limited, 1st Mortgage 4½% debenture stock secured by trust deed to The British Empire Trust Company, Limited, dated 27th of July, 1911, total outstanding 1st of December, 1920, £2,786,079, and any debenture stock of the said company secured by trust deed to the said The British Empire Trust Company, Limited, issued in exchange therefor.

(d) Toronto Power Company, Limited, 1st mortgage bonds secured by trust deed to National Trust Company, Limited, dated 1st July, 1914, total outstanding 1st December, 1920, \$4,103,200.

(e) (1) Toronto Electric Light Company, Limited, 1st. Mortgage bonds secured by trust deed to National Trust Company, Limited, dated 11th. March, 1919, total outstanding 1st. December, 1920, \$1,000,000.

(2) Toronto Electric Light Company, Limited, 2nd. Mortgage bonds secured by trust deed to National Trust Company, Limited, dated 11th. March, 1919, total outstanding 1st. December, 1920, \$3,000,000.

(3) Toronto Electric Light Company, Limited, 6% 3-Year Promissory Notes, secured by collateral trust deed to national Trust Company, Limited, dated 1st. July, 1919, total outstanding 1st December, 1920, \$850,000.

3. And notice is further given that if any such right or claim of which notice shall have been given to the Commission as provided in paragraph 1, and in respect of which cause of action shall have arisen before 1st April, 1923, is not meantime paid or otherwise satisfied, the claimant, to preserve his rights must cause proper legal process (which term shall include arbitration proceedings) to enforce such right or claim to be issued and served before 1st October, 1923, upon the Company against which or against whose property such right or claim is asserted, failing which, such right or claim will as against the aforesaid companies and their properties be forever barred as is provided in the said statute.

- Dated at the City of Toronto, in the Province of Ontario
this day of 1922.

The Hydro-Electric Power Commission Ontario.
The Toronto Railway Company.

No. 50.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting the filing of certain
Claims against certain Companies or
their Properties.

1st Reading,	17th February, 1922.
2nd Reading,	1922.
3rd Reading,	1922.

MR. RANNEY.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Sandwich, Windsor and Amherstburg Railway.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. The Hydro-Electric Power Commission of Ontario, ^{Motor busses, trackless trolleys.} may in connection with and as part of the Sandwich, Windsor and Amherstburg Railway provide a service to meet the requirements of any particular locality by motor busses or cars operated by means of trackless trolleys, and for such purpose may purchase, maintain and operate motor busses, cars and trackless trolleys.

No. 51.

3rd. Session, 15th. Legislature,
12 George V, 1922.

BILL.

An Act respecting the Sandwich, Windsor
and Amherstburg Railway.

1st Reading, February 17th, 1922,	
2nd Reading, 1922.	
2nd Reading, 1922.	

MR. RANNEY.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

No. 52.

1922.

An Act to amend The Surrogate Courts Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Surrogate Courts Amendment Act, 1922.* Rev. Stat.
c. 62
amended.

2. *The Surrogate Courts Act* is amended by adding thereto the following section; Cancellation
of bond of
administrator
in distribution
of estate.

68a. Where an administrator has produced evidence to the satisfaction of the judge that the debts of the deceased have been paid and the residue of the estate duly distributed, he may make an order directing the bond or other security furnished by the administrator to be delivered up to be cancelled, but where an infant was or is entitled to any part of the estate under such distribution the order shall not be made until after such notice as the judge may direct has been given to the Official Guardian, and where any person who is a patient in a Provincial hospital was or is entitled to any part of the estate under such distribution, the order shall not be made until after like notice has been given to the Public Trustee.

3. This Act shall come into force on the First day of Commence-
ment of Act. July, 1922.

No. 52.

3rd Session, 15th. Legislature,
12 George V, 1922.

BILL.

An Act to amend The Surrogate Courts
Act.

1st Reading,	February 17th, 1922.
2nd Reading,	1922.
3rd Reading,	1922.

Mr. RANNEY.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

No. 53.

1922.

BILL

An Act to amend The Agricultural Development Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Agricultural Development Amendment Act, 1922.* Short title.

2. Subsection 1 of section 10 of *The Agricultural Development Act, 1921*, is amended by adding at the end thereof the following clauses: 1921 c. 32 amended.

(d) to pay off encumbrances,

(e) for any other productive purpose.

3. This Act shall come into force on the day on which it receives the Royal Assent. Commencement of Act.

No. 53.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act to amend The Agricultural
Development Act.

1st Reading, February 17th, 1922.
2nd Reading, 1922.
3rd Reading, 1922.

MR. DOHERTY.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Ontario Farm Loans Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Ontario Farm Loans Amendment Act*, 1922. Short title.

2. Subsection 2 of section 25 of *The Ontario Farm Loans Act*, 1921, is amended by striking out the figures "\$1,000" in the second and fifth lines thereof, and substituting instead in each case the figures "\$2,000." 1921 c. 33, s. 25, ss. 2 amended.

3. This Act shall come into force on the day on which it receives the Royal Assent. Commencement of Act.

No. 54.

3rd. Session, 15th. Legislature,
12 George V, 1922.

BILL.

An Act to amend The Ontario Farm
Loans Act.

1st Reading,	February 17th, 1922.
3rd Reading,	1922.
3rd Reading,	1922.

MR. DOHERTY.

TORONTO:
PRINTED BY CLARSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

The Consolidated Municipal Act, 1922.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Preliminary.

1. This Act may be cited as *The Consolidated Municipal Act, 1922.* Short title.

2. In this Act,

Interpreta-
tion.

(a) "Arbitration" shall mean an arbitration under the provisions of this Act. "Arbitra-
tion."

(b) "Bridge" shall mean a public bridge, and shall include a bridge forming part of a highway or on, over or across which a highway passes. "Bridge."

(c) "City," "town," "village," "township," and "county" shall respectively mean city, town, village, township or county, the inhabitants of which are a body corporate within the meaning and for the purposes of this Act. "City."
"Town."
"Village."
"Town-
ship."
"County."

(d) "Electors," when applied to a municipal election, shall mean the persons entitled to vote at a municipal election, when applied to voting on money by-law shall mean the persons entitled to vote on the by-law and when applied to voting on any other by-law or on a resolution or question unless otherwise provided by the Act, by-law, or other authority under which the vote is taken, shall mean municipal electors. "Electors."

(e) "Highway" shall mean a common and public highway, and shall include a street and a bridge forming part of a highway, or on, over or across which a highway passes. "Highway."

"Land."

- (f) "Land" shall include lands, tenements and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water.

"Local Municipality."

- (g) "Local municipality" shall mean a city, a town, a village and a township.

"Member."

- (h) "Member" or "members," referring to a member or members of a council shall include the head of the council, and a member or members of a Board of Control.

"Money by-law."

- (i) "Money by-law" shall mean a by-law for contracting a debt or obligation or for borrowing money.

"Municipal Board."

- (j) "Municipal Board" shall mean Ontario Railway and Municipal Board.

"Municipal electors."

- (k) "Municipal electors" shall mean the persons entitled to vote at a municipal election.

"Municipality."

- (l) "Municipality" shall mean a locality, the inhabitants of which are incorporated. 3-4 Geo. V. c. 43, s. 2, cls. (a-l).

"Population."

- (m) "Population" shall mean population as determined by the last preceding census taken under the authority of the Parliament of Canada, or under a by-law of the council, or by the last preceding municipal enumeration by the assessor whichever shall be the latest or by such means as the Municipal Board may direct. 3-4 Geo. V. c. 43, s. 2, cl. (m); 5 Geo. V. c. 34, s. 1.

"Prescribed."

- (n) "Prescribed" shall mean prescribed by or under the authority of this Act.

"Published."

- (o) "Published" shall mean published in a newspaper in the municipality to which what is published relates, or which it affects, or if there is no newspaper published in the municipality, in a newspaper published in an adjacent or neighbouring municipality; and "publication" shall have a corresponding meaning.

"Publication."

"Separated town."

- (p) "Separated town" shall mean town separated for municipal purposes from the county in which it is situate.

- (q) "Supreme Court" shall mean Supreme Court of ^{"Supreme Court."} Ontario.
- (r) "Township" shall include a union of townships, ^{"Township."} and a municipality composed of two or more townships.
- (s) "Two-thirds vote" shall mean the affirmative vote ^{"Two-thirds vote."} of two-thirds of the members of a council present at a meeting thereof.
- (t) "Unorganized territory" shall mean that part of ^{"Unorganized territory."} Ontario without county organization.
- (u) "Urban municipality" shall mean and include a ^{"Urban municipality."} city, a town and a village. 3-4 Geo. V. c. 43, s. 2, cls. (n-u).

3.—(1) Where under the provisions of this Act evidence ^{When evidence may be taken in shorthand.} is taken orally before a Special Examiner or a Judge he may direct that the same be taken in shorthand by a stenographic reporter.

(2) The fees of the stenographic reporter including those ^{Fees of reporter, how paid.} for the transcribing of his notes shall be paid by the party on whose behalf the evidence is taken, and the same shall form part of the costs of the proceedings in which the evidence is taken. 3-4 Geo. V. c. 43, s. 3.

4. Where registration in a registry office is prescribed ^{Registration in office of land titles.} or provided for by this Act it shall mean where *The Land Titles Act* is applicable, registration in the office of the Master or Local Master of Titles of the locality in which the ^{Rev. Stat. c. 126.} land is situate. 3-4 Geo. V. c. 43, s. 4.

5. A person in the actual occupation of land under an ^{When occupant deemed to be owner.} agreement with the owner for the purchase of it shall be deemed to be the owner, and the unpaid purchase money shall be deemed to be an encumbrance on the land. 3-4 Geo. V. c. 43, s. 5.

6. Where power to acquire land is conferred upon a municipal corporation by this or any other Act, unless otherwise ^{Power to acquire includes expropriation.} expressly provided, it shall include the power to acquire by purchase or otherwise and to enter on and expropriate. 3-4 Geo. V. c. 43, s. 6.

7. Except where otherwise expressly provided, this Act ^{Special Acts not affected.} shall not affect the provisions of any special Act relating to a particular municipality. 3-4 Geo. V. c. 43, s. 7.

Inhabitants
of municipa-
lities to
be bodies
corporate.

8. The inhabitants of every county, city, town, village, and township shall be a body corporate for the purposes of this Act. 3-4 Geo. V. c. 43, s. 8.

Names of
municipal
corpora-
tions.

9. The name of the body corporate shall be "*The Corporation of the County [United Counties, City, Town, Village, Township (as the case may be)], of (naming the municipality).*" 3-4 Geo. V. c. 43, s. 9.

Council to
exercise
corporate
powers.

10. The powers of a municipal corporation shall be exercised by its council. 3-4 Geo. V. c. 43, s. 10.

PART I.

FORMATION OF NEW CORPORATIONS AND ALTERATIONS OF BOUNDARIES OF MUNICIPALITIES.

"District,"
meaning of.

11. In this Part, "district" shall mean part of a township or parts of two or more townships which it is proposed to erect into a village or town or part of a township which it is proposed to add to another municipality, or the part so erected or added, as the case may be. 3-4 Geo. V. c. 43, s. 11; 5 Geo. V. c. 34, s. 2.

Erection of
village.

12. Under and subject to the provisions and conditions hereinafter mentioned, a district may be erected into a village by the council of the county in which it is situate, or if the district comprises parts of two or more counties by the council of the county in which the larger or largest part of the district is situate. 3-4 Geo. V. c. 43, s. 12.

Procedure
for erection
of village.

13.—(1) Where a petition, signed, if the district or part of it lies within one mile of the limits of a city having a population of not less than 100,000, by at least two-thirds and in other cases by at least one-half of the freeholders and resident tenants of the district whose names are entered on the last revised assessment roll of the municipality in which the district is situate, and in the case of tenants who have been resident in the district for at least four months next preceding the presentation of the petition, all of the petitioners being British subjects of the full age of 21 years, and at least one-half of them freeholders, praying for the erection of the district into a village, is presented to the council, the council, if the district has a population exceeding 750, shall, within three months after the presentation of the petition, pass a by-law erecting the district into a village,

declaring the name which it shall bear and its boundaries.
3-4 Geo. V. c. 43, s. 13 (1); 5 Geo. V. c. 34, s. 3.

(2) Opposite the name of every petitioner there shall be shown, by reference to the number of the lot, the land owned or occupied by him, and where it is or forms part of a lot laid down on a registered plan, the reference shall be to the number of the lot according to the plan, and the petition shall also show whether the petitioner is a freeholder or resident tenant.

Lot of
petitioner
to be design-
ated.

(3) A petition shall be deemed to be presented when it is lodged with the clerk, and the sufficiency of the petition shall be determined by him and his certificate shall be conclusive in reference thereto.

Presentation
of petition.

(4) The number of the inhabitants of the district shall be ascertained by a special census taken by direction of the council.

Special
census.

(5) The by-law shall not be passed before the expiration of one month after the presentation of the petition, or unless within two months next preceding the meeting of the council at which it is to be considered notice has been given of the intention of the council to take it into consideration.

Time for
passing
by-law.

(6) The notice shall be published at least once a week for two successive weeks, and shall contain a description of the district sufficiently full to indicate the land which it is intended to embrace in the proposed village.

Publication
of notice
as to con-
sideration
of by-law.

(7) The council may require that the expenses of taking the census and of publishing the notice be paid by the petitioners, or that a sum sufficient to defray them be deposited with the clerk.

Expenses of
census, etc.

(8) The clerk shall forthwith, after the passing of it, transmit a certified copy of the by-law to the Provincial Secretary, who shall cause notice of it to be published in the *Ontario Gazette*.

By-law to
be published
in Ontario
Gazette.

(9) After the expiration of three months from the publication of the notice of the by-law, and after the final disposition of any application to quash it made within that period, if the application is unsuccessful, the by-law shall not be liable to be quashed on any ground, and the village thereby erected shall be deemed to have been duly erected in accordance with the provisions of this Act. 3-4 Geo. V. c. 43, s. 13 (2-9).

Time for
applying
to quash
by-law.

Area of town or village in a county.

14.—(1) Subject to subsection 2, the area of a town or village hereafter erected shall not exceed five hundred acres for the first thousand or less, with two hundred acres or fraction thereof added for each additional one thousand or fraction thereof in excess of one thousand of its population. 3-4 Geo. V. c. 43, s. 14 (1); 4 Geo. V. c. 33, s. 1.

In unorganized territory.

(2) In unorganized territory, the area of a town shall not exceed 750 acres for the first 500 of its population, with 300 acres or fraction thereof added for each additional 500 of its population or fraction thereof. 3-4 Geo. V. c. 43, s. 14 (2); 4 Geo. V. c. 33, s. 2.

No addition beyond prescribed area.

(3) An addition shall not be made to any town or village which will have the effect of increasing its area beyond the prescribed area. 3-4 Geo. V. c. 43, s. 14 (3).

Highways, parks, etc., not to be included in area.

(4) Land occupied by highways, parks, and public squares and land covered by water shall be excluded in determining the area. 3-4 Geo. V. c. 43, s. 14 (4); 4 Geo. V. c. 33, s. 3.

Annexation of village in two or more counties to one county.

15.—(1) Where a village comprises parts of two or more counties, it shall be annexed to, and form part of, that one of them which shall be agreed on by the councils, or which, failing an agreement within six months after the presentation of the petition, the Lieutenant-Governor in Council may by proclamation direct.

Agreement between councils as to annexation of village.

(2) If an agreement is come to, the clerk of each of the councils shall forthwith notify the Provincial Secretary of it, and if an agreement is not come to within the period mentioned in subsection 1, shall forthwith, after the expiration of that period, notify the Provincial Secretary of the fact.

If councils agree notice to be published in Gazette.

(3) Where the councils agree as to the county to which the village shall be annexed, the Provincial Secretary shall forthwith, after notice of the agreement, cause to be published in the *Ontario Gazette* notice of the county to which the village has been annexed. 3-4 Geo. V. c. 43, s. 15.

Erection of police village into a village.

16. A police village may be erected into a village in the manner and subject to the conditions mentioned in section 13. 3-4 Geo. V. c. 43, s. 16.

Annexation of district to village.

17. The Municipal Board may, upon the application of the council of a village, annex a district to it where from the proximity of the streets or buildings in the district or the probable future exigencies of the village, the Board deems it expedient. 3-4 Geo. V. c. 43, s. 17.

18.—(1) The Municipal Board may annex land in unorganized territory to an adjacent incorporated township therein, and may also, on the application of two or more adjacent townships in such territory form them, with or without additional territory, into one township municipality, bearing such name as the Board may direct.

Annexation
of land to
township in
unorganized
territory.

(2) The Board, on the application of the council of a city or town in unorganized territory, may annex to the city or town the whole or any part of an adjoining unorganized township, on such terms and conditions as may be determined by the Board. 3-4 Geo. V. c. 43, s. 18.

Annexation
of land to
city or
town in
unorganized
territory.

19.—(1) Subject to subsection 2 of section 14, the Municipal Board may, upon the application of not less than 75 male inhabitants of the locality, each of the full age of twenty-one years, incorporate as a town the inhabitants of a locality having a population of at least 500, and situate in one or more of the provisional judicial districts, whether or not it lies within an existing township municipality. 3-4 Geo. V. c. 43, s. 19 (1).

Incorporation
of
towns in
unorganized
territory.

(2) The order of the Board shall declare the name which the town shall bear, and its boundaries, and the date when the incorporation shall take effect, and shall also provide for the apportionment, collection and payment over of the taxes for the current year. 3-4 Geo. V. c. 43, s. 19 (2); 5 Geo. V. c. 34, s. 4.

Order of
Board.

20.—(1) The Board may erect a town having a population of not less than 15,000 into a city, and a village having a population of not less than 2,000 into a town, and declare the name which it is to bear.

Erection
of cities
and towns.

(2) Where, from the proximity of streets or buildings or the probable future exigencies of the newly erected city or town, the Board deems it desirable that part of one or more adjacent townships should be included in it, the Board may, subject to the provisions of subsection 6, detach such part from the township or townships and annex it to the newly erected city or town.

Part of
township
may be
included.

(3) The newly erected city or town shall be divided into wards bearing such numbers or names as the Board may direct.

Division
into wards.

(4) The number of wards in the town shall not be less than three, and each of the wards in the city or town shall have a population of not less than five hundred.

Number
of wards.

Notice of
application.

(5) Notice of the application for the erection of the town into a city or of a village into a town shall be published at least once a week for three months.

Part of
township
included to
be described.

(6) Where it is proposed that part of one or more adjacent townships shall be embraced in the newly erected city or town, the notice shall so state and shall designate the part proposed to be embraced therein.

Force of
order.

(7) The order shall be conclusive evidence that all conditions precedent to the making of it have been complied with, and that the city or town has been duly erected in accordance with the provisions of this Act. 3-4 Geo. V. c. 43, s. 20.

Adding
territory
to city or
town.

21.—(1) Where the council of a city or town by resolution declares that it is expedient that part of an adjacent township should be annexed to the city or town, and the majority of the municipal electors in such part petition the Board to add the same to such city or town, and after due notice of such resolution and petition has been given by the council of such city or town to the council of such adjacent township, and also, where the part is proposed to be added to a city or to a separated town to the council of the county in which the township is situate, the Board may, by order to take effect upon a day to be named therein, annex such part to the city or town upon such terms and conditions as to the adjustment of assets and liabilities, taxation, assessment, improvements, or otherwise as may have been agreed upon, or as shall be determined by the Board. Provided, however, that should the terms and conditions agreed upon not meet with the approval of the Board, the petitioners or the city or town may withdraw from the proposed annexation. 3-4 Geo. V. c. 43, s. 21 (1); 8 Geo. V. c. 32, s. 1.

Amendment
of order.

(2) The order may, before it takes effect, be amended in any respect by a further order, and may at any time when it does not correctly set forth the terms and conditions as to the adjustment of assets and liabilities, taxation, assessment, improvements or otherwise agreed upon, be amended to conform with the agreement.

Board may
order vote to
be taken.

(3) The Board may direct that a vote be taken for determining whether or not the majority of the municipal electors of the part proposed to be annexed are in favour of its being annexed, and may fix the time and place for the taking of the vote, name the returning officer, and make such other provisions as may be deemed necessary. 3-4 Geo. V. c. 43, s. 21. (2, 3).

21.a—(1) Upon the application of the council of any town or village or of such number of the owners of any lands therein wholly used for farming purposes as shall represent at least three-fifths of the amount of the assessed value of all the lands proposed to be detached from such town or village the Municipal Board may, after hearing representatives of the town or village, and of the owners of such farm lands, and of the adjoining municipality to which it is proposed to annex the lands, make an order detaching such farming lands or any part thereof from the town or village and annexing the same to an adjoining municipality on such terms and conditions as to the adjustment of the assets and liabilities, and upon such other terms and conditions as may have been agreed upon between the municipalities interested, or in default of agreement as may be determined by the Board.

Authority of
Municipal
Board to
separate
farm lands
from towns
and villages.

(2) If the interest of the land detached in the assets of the town or village from which they are detached exceeds its proportion of the liabilities thereof, that corporation shall pay to the corporation of the municipality to which the lands are annexed the amount of the excess, but if the land's proportion of such liabilities exceeds its interest in such assets the corporation of the municipality to which the lands are annexed shall pay to the corporation of the town or village from which the lands are detached the amount of the excess, and the order of the Board shall set out the amount to be paid by one municipality to the other accordingly. 11 Geo. V. c. 63, s. 1.

Adjustment
of assets
and liabilities
to be
determined
by the
Board.

22. Where territory constituting or forming part of a local municipality becomes part of a local municipality in another county, it shall thereafter form part of that county except for the purpose of representation in the Assembly. 3-4 Geo. V. c. 43, s. 22.

Adding
territory to
municipality
in another
county.

23.—(1) The Board may annex a town or a village to an adjacent urban municipality, where:

Annexation
of town or
village to
adjacent
urban municipality.

(a) The councils of the town or village and of the adjacent urban municipality by by-law assent to the annexation; and

(b) The assent of the municipal electors of the town or village is given to the by-law of the council thereof.

(2) Subject to the provisions of subsection 5, the by-law may provide for the annexation unconditionally, or on such terms as may be deemed expedient.

Provisions
of by-law.

New city or town may be erected. (3) If the urban municipality to which the town or village is annexed has the requisite population, it may be erected into a city or town bearing such name as the Board may direct.

Division into wards. (4) Such redivision into wards of the city or town as the annexation renders necessary shall also be made.

By-law to be submitted on petition of 150 electors. (5) If a petition, signed by at least 150 electors of a town or village, praying that it may be annexed to an adjacent urban municipality, either unconditionally or on such terms as may be stated in the petition, is presented to the council of the town or village the council shall within four weeks after the presentation of the petition submit to the electors of the town or village for their assent thereto, a by-law providing for its annexation on the terms mentioned in the petition. 3-4 Geo. V. c. 43, s. 23.

[As to formation of new Townships, see *Rev. Stat., c. 3, s. 11.*]

Townships.

Formation of townships in unorganized territory. **24.**—(1) The inhabitants of a township in unorganized territory having a population of not less than 100, and the inhabitants of a locality not surveyed into townships, having an area of not more than 20,000 acres and a population of not less than 100, may become incorporated as a township municipality.

Petition for incorporation. (2) Upon the receipt of a petition praying for incorporation, signed by not less than 30 of the resident householders of the township or locality, and defining the limits of the proposed municipality, and a deposit being made of a sum sufficient to defray the expenses of the meeting to be held as hereinafter mentioned, a Judge of the District Court of the Provisional Judicial District in which the township or locality is situate may call a meeting of the inhabitants of it to consider the expediency of becoming incorporated and to choose a reeve and four councillors for the proposed municipality, and he shall name a fit person to be the chairman of the meeting, and make such provisions as he may deem proper for the conduct of the meeting and the manner of choosing the reeve and councillors; and notice of the meeting shall be given in such manner as the Judge shall direct. 3-4 Geo. V. c. 43, s. 24. (1, 2).

Qualification at first election. (3) Every resident householder of the full age of 21 years and a British subject shall be entitled to vote and every resident male householder of the full age of 21 years and a British subject to be elected as reeve or councillor at such meeting. 3-4 Geo. V. c. 43, s. 24 (3); 7 Geo. V. c. 43, s. 2a.

(4) The chairman shall preside at the meeting and shall record the votes given, and in the case of an equality of votes between two candidates for the office of reeve or councillor he shall give the casting vote, and he shall forthwith, after the close of the meeting, make a report in writing of the result of it to the Judge. Chairman of meeting.

(5) The report shall contain a statement of the votes given for and against the proposed incorporation, and for and against each person proposed for reeve or councillor, and shall be verified by the oath of the chairman. Report to Judge.

(6) If it appears to the Judge from the report that a majority of the inhabitants present at the meeting voted in favour of incorporation, and that those so voting number or include not less than 30 resident householders and no objection to the report or to the manner in which the meeting was conducted or the reeve and councillors were chosen has been filed with the Judge within 10 days after the receipt by him of the report, the Judge shall declare in writing, Form 1, the inhabitants of the township or locality to be incorporated in accordance with the prayer of the petition and state the persons who were elected as reeve and councillors and fix the time and place for the first meeting of the council, and shall forthwith transmit to the Minister of Lands and Forests, and to the Provincial Secretary, a certified copy of the declaration, and the Provincial Secretary shall thereupon cause notice of it to be published in the *Ontario Gazette*. Declaration of incorporation.

(7) If such an objection is filed within the prescribed time the Judge shall hear and determine the matter complained of, and if he finds that the complaint is well founded shall call a new meeting and perform the other duties assigned to him by subsections 2 and 6. Hearing objections.

(8) The incorporation shall be deemed to be complete when the Judge has signed the declaration, but shall not take effect until the 31st day of December following. 3-4 Geo. V. c. 43, s. 24 (4-8). When incorporation complete.

Union of Townships.

25. A union of townships shall consist of two or more townships united for municipal purposes and having in common, as if one township, all offices and institutions established by law pertaining to township municipalities. 3-4 Geo. V. c. 43, s. 25. Union of townships.

26. The Lieutenant-Governor in Council may, by proclamation, annex a township, or two or more townships lying adjacent to one another laid out by the Crown in unorganized territory, to any adjacent county, and may erect the same with another township of such county into a union of townships. 3-4 Geo. V. c. 43, s. 26. Annexation of new townships in unorganized territory to a county.

Incorporation of union of townships.

27.—(1) The inhabitants of two or more townships in unorganized territory, adjacent to one another, and having in the aggregate a population of not less than 100, may become incorporated as a union of townships.

Proceedings.

(2) The proceedings for and incidental to the incorporation and the election of the members of the first council shall be the same as provided by section 24. 3-4 Geo. V. c. 43, s. 27.

Union of junior township, after separation, with adjoining township.

28. If two-thirds of the resident freeholders and tenants of a junior township whose names are entered on the last revised assessment roll petition the council of the county to be separated from the union to which it belongs, and to be attached to another adjoining township in the county, and the council considers that the interest and convenience of the inhabitants of the township would be promoted thereby, such council may separate it from the union, and may erect it with such adjoining township into a union of townships. 3-4 Geo. V. c. 43, s. 28.

Seniority of united townships, how determined.

29. The order of seniority of townships forming a union of townships shall be determined by the number of freeholders and tenants thereof whose names are entered on the last revised assessment roll, and the township having the largest number of them shall be the senior township, and the other or others the junior township or townships, and where there is no such assessment roll for all or any one or more of the townships their seniority shall be determined by the functionary or body by which the union is formed. 3-4 Geo. V. c. 43, s. 29.

[*As to annexation of gores, etc., to Townships, see Rev. stat., c. 3, s. 14.*]

Separation of Junior Township from Union

Junior township containing 100 freeholders, etc., may be separated from union.

30.—(1) When a junior township of a union of townships has 100 resident freeholders and tenants whose names are entered on the last revised assessment roll, the county council, if the union is not in unorganized territory, may separate the township from the union.

(2) If the junior township is in unorganized territory and has a population of not less than 100, the Municipal Board, upon the application of not less than 15 of the assessed freeholders and tenants therein, may separate the township from the union.

(3) If a junior township has 50, but less than 100 resident freeholders and tenants whose names are entered on the last revised assessment roll, and two-thirds of such resident freeholders and tenants petition the council of the county to separate the township from the union and the council considers the township to be so situated with reference to natural obstructions, that its inhabitants cannot conveniently remain united with the inhabitants of the other township or townships, the council may separate it from the union.

Separation of junior township containing 50 freeholders, etc.

(4) Where a union of townships consisting of more than two townships is dissolved by the withdrawal of a junior township, the remaining townships shall constitute the union which shall be continued under its former name, omitting that of the junior township.

Names of townships after separation.

(5) Where a union of townships consisting of two townships only is dissolved, the inhabitants of each of the townships shall become a separate corporation bearing the name of the township. 3-4 Geo. V. c. 43, s. 30.

Where union of two is dissolved.

Date When New Incorporation to Take Effect.

31.—(1) Where a new corporation is constituted under this Act, the incorporation shall take effect on the 31st day of December next after the proclamation, Order of the Municipal Board, or by-law by which it is effected, or on such other day as the functionary or body by which such incorporation is effected may fix, and the functionary or body by which the new corporation is constituted may, and where necessary shall, fix the dates and the place or places for holding the first nomination meeting and election, appoint a returning officer and otherwise provide for the holding of the election according to law. 8 Geo. V. c. 32, s. 2.

Date when new incorporation to take effect.

(2) The returning officer shall perform all the duties in connection with the election which in other cases are to be performed by the clerk of a local municipality, and shall act as clerk of the new municipality until a clerk is appointed and has taken the oath of office. 3-4 Geo. V. c. 43, s. 31 (2).

Duties of returning officer.

As to registration of by-laws, etc., erecting a village, town or city, or enlarging, diminishing or altering the boundaries of a municipality, see The Registry Act, Rev. Stat., c. 124, s. 70.

Matters Consequent upon the Formation of New Corporations.

By-laws of old corporation to remain in force until repealed.

32. The erection of a district into a village or town, of a village into a town, or of a town into a city, or the separation of a township from a union of townships shall not affect the by-laws then in force in the district or municipality but the same shall remain in force until repealed by the council of the newly erected municipality, but nothing herein shall authorize the amendment or repeal of a by-law which the council by which it was passed could not lawfully amend or repeal. 3-4 Geo. V. c. 43, s. 32; 5 Geo. V. c. 34, s. 6.

What by-laws to be in force in territory annexed to a municipality.

33. Where a district or a municipality is annexed to a municipality, its by-laws shall extend to such district or annexed municipality, and the by-laws in force therein shall cease to apply to it, except those relating to highways, which shall remain in force until repealed by the council of the municipality to which the district or municipality is annexed, and except by-laws conferring rights, privileges, franchises, immunities or exemptions which could not have been lawfully repealed by the council which passed them. 3-4 Geo. V. c. 43, s. 33.

Assets, Debts and Liabilities.

Liability for debts of union.

34. Where a junior township is separated from a union of townships the senior or remaining township or townships shall be liable to the creditors of the union for all the debts and obligations of the union. 3-4 Geo. V. c. 43, s. 35.

Taxes for current year to belong to senior or remaining townships.

35. Where a junior township is separated from a union of townships all taxes imposed by the council of the union for the year in which the separation takes place shall be collected and paid over to the senior or remaining township or townships. 3-4 Geo. V. c. 43, s. 35.

Disposition of property upon dissolution of union.

36. After a junior township is separated from a union of townships the property of the union shall be disposed of as follows:

Real property.

(a) The real estate situate in the junior township shall become the property of that township;

(b) The real estate situate in the remaining township or townships shall be the property of the remaining township or townships;

Other assets.

(c) The two corporations shall be jointly interested in the other assets of the union, and the same shall be retained by the one, or shall be divided between them, or shall be otherwise disposed of, as they may agree;

- (d) The one shall pay or allow to the other, in respect of the disposition of the real and personal estate of the union, and in respect of its debts, such sum as may be just; Arrangement as to property and debts.
- (e) If the councils of the two corporations do not, within three months after the first meeting of the council of the junior township, agree as to the disposition of the personal estate, or as to the sum to be paid by the one to the other, or as to the time of payment thereof, the matters in dispute shall be determined by arbitration; How to be determined in case of disagreement.
- (f) The amount so agreed upon or determined shall bear interest from the day on which the union was dissolved; and the same shall be provided for by the corporation which is to pay it, as in the case of other debts. 3-4 Geo. V. c. 43, s. 36. Amount settled to bear interest.

37. Where one local municipality is annexed to another the corporation of the latter shall become and be liable to the creditors of the corporation of the former for its debts and obligations and all the property and assets of the corporation of the annexed municipality shall be vested in the corporation of the municipality to which it is annexed, and that corporation shall have the same rights and powers as respects the collection and recovery of all unpaid taxes imposed by the council of the annexed municipality including those for the year in which the annexation takes effect, as if such taxes had been imposed by the council of the municipality to which it is annexed. 3-4 Geo. V. c. 43, s. 37. Liability to creditors and right to collect taxes where one municipality annexed to another.

38.—(1) Where a district is erected into a village or town, or is detached from one and annexed to another local municipality, there shall be an adjustment of assets and liabilities between the corporation of the municipality from which the district becomes or is detached and the corporation of the village or town or of the municipality to which the district is annexed, as the case may be, and if the interest of the district in the assets of the corporation of the municipality from which it becomes or is detached exceeds its proportion of the liabilities thereof, that corporation shall pay to the corporation of the village or town or of the municipality to which the district is annexed, as the case may be, the amount of excess; but if the district's proportion of such liabilities exceeds its interest in such assets the corporation of the village or town or of the municipality to which the district is annexed, as the case may be, shall pay to the corporation of the municipality from which the district becomes or is detached the amount of the excess. 3-4 Geo. V. c. 43, s. 38 (1); 5 Geo. V. c. 34, s. 7. Adjustment of assets and liabilities where village erected or district annexed to a municipality.

Arbitration.

(2) If the corporations do not within three months after the separation takes effect agree as to such adjustment, the matter shall be determined by arbitration.

Where district becomes part of another county.

(3) Where a district is detached as well from a county as from the local municipality, of which it forms part, there shall be a similar adjustment of the assets and liabilities of the corporation of the county from which the district is detached between that corporation and the corporation of the county, to which the district is annexed, and the provisions of subsections 1 and 2 shall *mutatis mutandis* apply.

When right to adjustment barred.

(4) If the corporation of the county, or of the local municipality, does not within three months after the separation takes effect, notify the corporation of the other county or local municipality that it requires an adjustment of the assets and liabilities, its right to claim an adjustment shall be barred.

Case of town erected into a city or a town or village annexed to city or separated town.

(5) Where a town not being a separated town is erected into a city, or a town or village is annexed to a city or separated town, there shall be a similar adjustment of the assets and liabilities of the corporation of the county from which the town or village is withdrawn between that corporation and the corporation of the city or separated town.

No allowance to city for interest in court house or gaol.

(6) Where a town is erected into a city the city shall not be entitled, in the adjustment of assets and liabilities to any allowance in respect of its interest in the court house or gaol of the county. 3-4 Geo. V. c. 43, s. 38 (2-6).

Ownership of real estate in district erected into village or annexed to a municipality.

39.—(1) Where a district is erected into a village or town or is detached from one local municipality and annexed to another, the real estate belonging to the corporation from which the district becomes or is detached and situate therein, shall belong to and be vested in the corporation of the village or town or of the municipality to which the district is annexed, as the case may be, but this shall not apply to a town hall and the land on which it is erected or which is used or enjoyed in connection with it, but the same shall remain the property of the corporation of the municipality from which the district becomes or is detached. 3-4 Geo. V. c. 43, s. 39 (1); 5 Geo. V. c. 34, s. 8.

Collection of taxes.

(2) Except where otherwise provided, the taxes imposed by the council of the municipality from which the district becomes or is detached for the year in which it is detached shall belong to the corporation of that municipality and may be collected and recovered by it as if the district had not been detached but still remained part of the municipality. 3-4 Geo. V. c. 43, s. 39 (2); 5 Geo. V. c. 34, s. 9.

40.—(1) Where a work or service coming within the provisions of *The Municipal Drainage Act* or of *The Local Improvement Act* has been undertaken by a corporation, and after it has become liable for the carrying out of the same, any land liable to be specially assessed becomes a new municipality or is annexed to another municipality, the corporation of the municipality from which such land becomes or is detached may complete such work or service, and may enter upon and acquire any land lying within such new or other municipality necessary for the completion of such work or service; and may take all such proceedings, pass all such by-laws, make all such special and other assessments, impose all such special and other rates, issue and sell all such debentures, borrow all such money, and do all such other acts and things as are necessary to complete such work or service and to provide for the cost thereof in the same manner as if the land so liable had not become a new municipality or been annexed to another municipality.

Powers to proceed with local improvements upon lands annexed to another municipality.
Rev. Stat., cc. 198, 193.

(2) The corporation by which the work or service was undertaken shall be indemnified by the corporation of the municipality which is constituted from such land or to which such land is annexed against all debts and liabilities incurred by it before the formation of the new corporation or the annexation of such land for or in respect of any such work or service to the extent to which the land lying within such new or other municipality was specially assessed and in adjusting the assets and liabilities consequent on the detachment of such land the debts incurred by the corporation of the municipality from which it was detached, for its share of the cost of such work or service, shall be taken into account.

Municipality to which territory annexed to indemnify municipality undertaking work.

(3) Where the land specially assessed lies wholly within such new or other municipality, the corporation thereof shall be liable for the entire debt in respect of such work or service, and the clerk of the municipality from which the land was detached shall furnish the clerk of such new or other municipality with certified copies of all the by-laws relating to such work or service and the rates imposed by such by-laws shall be collected by the corporation of the new or other municipality, and that corporation shall pay the principal and interest of the debentures issued in respect of such work or service as they become due and shall indemnify the corporation of the municipality from which the land was detached against the same.

Assumption of debt where all of land specially assessed is detached.

(4) Where part only of the land specially assessed lies within the new or other municipality the clerk of the municipality from which it was detached shall furnish the clerk of such new or other municipality with a certified copy of the by-law imposing the special assessment, and the corporation

Collection of special rates, etc., where part only of land specially assessed is detached.

of such new or other municipality in each year in which a special rate upon such lands is payable, shall collect the same and shall pay over the sums collected to the treasurer of the municipality from which such land was detached, when and as the same are collected, and in the adjustment of the assets and liabilities consequent upon the detachment of such land the debts incurred by the corporation of the municipality from which it was detached for its share of the cost of such work or service shall be taken into account. 3-4 Geo. V. c. 43, s. 40.

Rates for payment of bonus to railways by part of township.

41. Where the land detached is subject to rates for the payment of a bonus or aid granted by a part of a township in aid of a railway, the provisions of section 40 shall, *mutatis mutandis*, apply. 3-4 Geo. V. c. 43, s. 41.

Jurisdiction of old council on formation of new corporation.

42. Where a district is erected into a village, or a village into a town, or a town into a city, or a township is separated from a union of townships, the council having authority in the district or municipality at the time of the erection or separation shall, until the council of the new corporation is organized, continue to have the same powers as before such erection or separation. 3-4 Geo. V. c. 43, s. 42.

Officials and Sureties.

Effect of separation upon public officers and their sureties.

43.—(1) The separation of a junior township from a union of townships shall not affect the office, duty, power or responsibility of any officer of the union who continues to be an officer of the remaining township or townships after such separation, or of the sureties of such officer or their liability, further than by limiting such office, duty, power, responsibility, suretyship and liability to the remaining township or townships.

Further provisions as to officers.

(2) Every such officer shall, after the separation, be the officer of the remaining township or townships as if he had been originally appointed an officer thereof.

Liability of sureties for public officers.

(3) The sureties for such officer shall remain liable, as if they had become his sureties in respect only of the remaining township or townships, and all securities shall, after the separation, be read as if they had been given only to or for the benefit of the remaining township or townships. 3-4 Geo. V. c. 43, s. 43.

New Division into Wards.

Division into wards.

44. Where the council of a city or town before the 15th day of July in any year, by a vote of two-thirds of all the members, passes a resolution affirming the expediency of a

division or a new division into wards of the city or town or of a part of it, the Municipal Board may divide or re-divide the city or town or part of it into wards as it may deem expedient, provided that no ward shall have a population of less than five hundred, and that there shall be at least three wards in any such city or town. 5 Geo. V. c. 34, s. 10.

PART II.

MUNICIPAL COUNCILS—HOW COMPOSED.

Counties.

45. The council of a county shall be composed of the reeves and deputy reeves of the towns, not being separated towns, and of the villages and townships in the county. County councils, how composed.
3-4 Geo. V. c. 43, s. 45.

Cities.

46.—(1) Subject to subsection 7 the council of a city shall be composed of a mayor, the members of the Board of Control, if the city has such a board, and Councils of cities, how composed.

(a) Three aldermen for each ward, or

(b) Where the council by by-law so provides two aldermen for each ward;

(c) In the case of a city having a population of not more than 15,000, where the council by by-law so provides, one alderman for every 1,000 of the population.

(2) In the case provided for by clause (c) of subsection 1, or where the council of a city having a population of more than 15,000 by by-law so provides, the aldermen shall be elected by general vote, and in the latter case the number of aldermen shall be the same as if they were elected by wards. By-law for election by general vote.

(3) A by-law for the purposes mentioned in clause (b) or (c) of subsection 1 shall not be repealed until at least two annual elections have been held under it, and a by-law under subsection 2 shall not be repealed until at least five annual elections have been held under it. Repeal of by-law.

When and
how by-law
to be passed.

(4) A by-law for any of the purposes mentioned in subsections 1 and 2 and a by-law repealing any such by-law shall be passed not later in the year than the first day of November and shall not be passed unless it has received the assent of the municipal electors.

When by-law to take effect.

(5) Every such by-law including a repealing by-law shall take effect at and for the purposes of the annual election next after the passing of it.

Submission
of by-law
on petition
of electors.

(6) Subject to subsection 3 where the petition of at least one-fifth of the municipal electors is presented on or before the first day of November in any year, praying for the passing of a by-law repealing a by-law for the purpose mentioned in clause (c) of subsection 1, or where a petition of not less than 400 electors is presented praying for the passing of a by-law for the purpose mentioned in subsection 2, or for the repeal of a by-law passed under that subsection, the council shall submit the question of making the proposed change to a vote of the municipal electors at the next ensuing annual election and if the voting is in favour of the change shall without delay pass a by-law in accordance with the prayer of the petition. 3-4 Geo. V. c. 43, s. 46 (1-6).

Council of
City of
Toronto.

(7) Notwithstanding anything in any special Act the council of the City of Toronto shall consist of the mayor and four controllers to be elected by general vote, and three aldermen for each of the Wards, Numbers 1 to 6 inclusive, and two aldermen for Ward Number 7 until its population, according to the municipal enumeration by the assessor, reaches 30,000, and after that three aldermen for that Ward. In the event of a new division into wards of the said city under the provisions of this Act, this subsection shall become inoperative. 3-4 Geo. V. c. 43, s. 46 (7); 6 Geo. V. c. 39, s. 2.

Towns.

Councils
of towns in
unorganized
territory.

47.—(1) The council of a town in unorganized territory shall be composed of a mayor and six councillors to be elected by general vote.

Councils of
towns over
5,000.

(2) If the town has a population of not less than 5,000 the council may provide that the council shall be composed of a mayor and nine councillors to be elected by general vote. 3-4 Geo. V. c. 43, s. 47.

Councils
of towns in
counties.

48.—(1) The council of a town not in unorganized territory having a population of more than 5,000 shall be composed of a mayor, a reeve, as many deputy reeves as the

town is entitled to and three councillors for each ward where there are less than five wards, or two councillors for each ward where there are five or more wards.

(2) Where there are less than five wards the council on the petition of not less than 100 municipal electors shall provide that the number of councillors shall be two for each ward, or may without petition provide that the number of councillors shall be one for every 1,000 of the population to be elected by general vote, or if the population is less than 6,000 that the number of councillors shall be six to be elected by general vote. By-laws for changing composition of council.

(3) Where the town has a population of not more than 5,000 the council shall be composed of a mayor, a reeve, as many deputy reeves as the town is entitled to, and Case of town of not more than 5,000.

(a) Six councillors to be elected by general vote; or

(b) Where the council so provides one councillor for each ward and the remaining councillors to complete the full number of six to be elected by general vote.

(4) A by-law for any of the purposes mentioned in subsection 2 of section 47 or subsection 2 or clause (b) of subsection 3 of this section shall not be repealed until two annual elections have been held under it, and a by-law for the purpose mentioned in clause (b) of subsection 3 shall not be passed until two annual elections under clause (a) have been held. Repeal of by-laws.

(5) A by-law for any of the purposes mentioned in subsection 2 of section 47 or in subsections 2 and 3 of this section, and a by-law repealing any such by-law shall be passed not later in the year than the first day of November and shall not be passed unless it has received the assent of the municipal electors. Assent of electors required.

(6) Every such by-law, including a repealing by-law, shall take effect at and for the purposes of the annual election next after the passing of it. When by-law to take effect.

(7) Subject to subsections 2 and 4, where a petition of not less than one-fifth of the municipal electors is presented on or before the first day of November in any year praying for the passing of a by-law for any of the purposes mentioned in this section or for repealing any such by-law, except a by-law reducing the number of councillors to two for each Submission of questions on petition of electors.

ward, the council shall submit the question of making the proposed change to a vote of the municipal electors at the next ensuing annual election and if the voting is in favour of the proposed change shall without delay pass a by-law in accordance with the prayer of the petition.

Submission
of question
of repeal.

(8) Subject to subsection 4, where a by-law has been passed for reducing the number of councillors to two for each ward, the council, upon the petition of not less than 100 resident municipal electors, presented not later in the year than the first day of November shall submit the question of repealing the by-law to a vote of the electors at the next ensuing annual election and if the voting is in favour of the repeal shall without delay pass a by-law in accordance with the prayer of the petition. 3-4 Geo. V. c. 43, s. 48.

Population,
how de-
termined.

49. For the purposes of sections 46 to 48 the population shall be determined by the latest census of Canada. 3-4 Geo. V. c. 43, s. 49.

Villages and Townships.

Councils of
villages and
townships.

50.—(1) The council of a village and the council of a township shall consist of a reeve, as many deputy reeves as the municipality is entitled to, and a sufficient number of councillors to make up with the deputy reeves four in all, and they shall all be elected by general vote.

(2) The council of a township in unorganized territory shall consist of a reeve and four councillors. 3-4 Geo. V. c. 43, s. 50.

Towns, Villages and Townships.

Deputy
reeves in
towns, vil-
lages, and
townships.

51.—(1) A town, not being a separated town, and a village and a township in a county shall each be entitled where it has more than 1,000 and not more than 2,000 municipal electors to a first deputy reeve, or where it has more than 2,000 and not more than 3,000 municipal electors, to a first deputy reeve and a second deputy reeve, and where it has more than 3,000 municipal electors to a first deputy reeve, a second deputy reeve and a third deputy reeve.

Number of
electors,
how deter-
mined.

(2) The number of municipal electors shall be determined by the last revised voters' list but in counting the names, the name of the same person shall not be counted more than once. 3-4 Geo. V. c. 43, s. 51.

Qualifications.

Qualification
of candi-
dates.

52.—(1) Every person shall be qualified to be elected a member of the council of a local municipality who

- (a) Is a householder residing in the municipality, or is rated on the last revised assessment roll of the municipality for land held in his own right for an amount sufficient to entitle him to be entered on the voters' list and resides in or within two miles of the municipality;
 - (b) Is entered on the last revised voters' list as qualified to vote at municipal elections;
 - (c) Is a British subject;
 - (d) Is of the full age of twenty-one years; and
 - (e) Is not disqualified under this or any other Act.
- (2) The rating for land shall be in respect of a freehold or leasehold, legal or equitable, or partly of each.
- (3) "Householder" shall mean the person who occupies and is assessed as owner or tenant of a dwelling or apartment house or part of a dwelling or apartment house separately occupied as a dwelling.
- (4) Where territory has been annexed to an urban municipality, until an assessment roll for the municipality, including such territory, has been made and revised, it shall be sufficient for the purposes of this section if the assessment is upon the last revised assessment roll of the municipality in which the territory, before its annexation, was situated, and for a sufficient amount to qualify him for election to the council of that municipality. Qualification where land annexed to urban municipality
- (5) Where the inhabitants of a township or locality in unorganized territory have become incorporated as a township or a union of townships, the only qualification necessary at the first election shall be that the person is of the full age of twenty-one years, a British subject and a householder resident in the municipality. 10-11 Geo. V. c. 59, s. 1. Qualification in new township.

Disqualification.

53.—(1) The following shall not be eligible to be elected a member of a council or be entitled to sit or vote therein: Persons disqualified from being members of a council.

- (a) A judge of any court;
- (b) A gaoler or a keeper of a lock-up;

- (c) A sheriff, deputy sheriff or sheriff's bailiff;
- (d) A high bailiff or chief constable of a city or town;
- (e) An assessment commissioner, assessor, a collector of taxes, a treasurer, a clerk, or any other officer, employee or servant of the corporation of a municipality; 3-4 Geo. V. c. 43, s. 53, (1), (a-e).
- (ee) A person other than the head of the council who is a member of a board or commission appointed or elected for the construction, management or control of an electrical railway, street railway or steam railway which is owned by, or leased to, or controlled by a municipal corporation, or by trustees, or by any board or commission acting for or on behalf of such corporation. 11 Geo. V. 63, s 2 (1).

Note.—Clause (ee) has effect notwithstanding the provisions of any general or special Act or any by-law of a municipal corporation. 11 Geo. V. c. 63, s. 2 (1).

- (f) A clerk or bailiff of a division court;
- (g) A crown attorney or a clerk of the peace;
- (h) A registrar or a deputy registrar of deeds;
- (i) A master or a local master of titles;
- (j) A member of a public or separate school board or of a board of education of a city, town or village, or a member of a high school board, unless he has at least ten days before the day of nomination filed his resignation with the Secretary of the Board;
- (k) A person licensed to sell spirituous liquor by retail;
- (l) A license commissioner or an inspector of licenses;
- (m) A police magistrate;
- (n) A clerk of a county or district court;
- (o) A deputy clerk of the Crown or a local registrar;

- (p) A person having himself or by or with or through another an interest in any contract with the corporation or with any commission or person acting for the corporation or in any contract for the supply of goods or materials to a contractor for work for which the corporation pays or is liable directly or indirectly to pay, or which is subject to the control or supervision of the council or of an officer of the corporation, or who has an unsatisfied claim for such goods or materials;
 - (q) A person who either himself or by or with or through another has any claim, action or proceeding against the corporation;
 - (r) A person who, either himself or by or with or through another is counsel or solicitor in the prosecution of any claim, action or proceeding against the corporation or in opposing or defending any claim, action or proceeding by the corporation;
 - (s) A person who at the time of the election is liable for any arrears of taxes to the corporation of the municipality.
 - (t) A person against the land in respect of which he qualifies there are at the time of the election any arrears of taxes.
- (2) Subsection 1 shall not apply to a person by reason only:
- (a) Of his being a shareholder in an incorporated company having dealings or a contract with the corporation, or
 - (b) Of his being a lessee of the corporation for a term of twenty-one years or upwards of any property of the corporation, or
 - (c) That part of his property is exempt wholly or in part from taxation, whether such exemption is founded on an agreement with the corporation or on a by-law of the council, or
 - (d) Of his being the proprietor of or otherwise interested in a newspaper or other periodical publication in which official advertisements or notices which appear in other newspapers or periodical publications are published by the council or for which the council is a subscriber or which is fur-
- Shareholders in incorporated companies having dealings with corporation, lessees of corporation, and newspaper proprietors not disqualified.

nished to any department or officer of a corporation if the same are paid for at the usual rates, and he has not agreed with the corporation to do the whole or the principal part of its printing.

(e) Of his having been appointed and paid for his services as commissioner, superintendent or overseer of any highway or of any work undertaken wholly or in part at the expense of the corporation;

Rev. Stat.
c. 204.

(f) Of his being a consumer or taker of anything supplied by the corporation or any commission under *The Public Utilities Act* or of his having entered into a contract with the corporation or commission for the supply of it to him. 3-4 Geo. V. c. 43, s. 53 (2), (a-f).

Exemption
from dis-
qualifica-
tion for non-
payment of
taxes in cer-
tain cases.

(g) Of his being a part owner or joint owner of vacant land (other than the land in respect of which he qualifies) in respect of which taxes are in arrears, where the council of the corporation has by resolution declared that clause (s) of subsection 1 shall not apply so as to disqualify a joint owner or part owner of any such vacant land until after the 1st day of June, 1921. 9 Geo. V. c. 46, s. 1.

Shareholder,
lessee or
newspaper
proprietor,
etc., not to
vote on any
question
affecting
his dealings
with cor-
poration.

(3) A person being such a shareholder shall not vote on any question affecting the company or being such a lessee shall not vote on any question affecting his lease or his rights or liabilities thereunder, or being so exempt from taxation shall not vote on any question affecting the property so exempt, or being such a proprietor of or otherwise interested in a newspaper or other periodical publication shall not vote on any question affecting his dealings with the corporation.

Resignation,
when to
vacate seat.

(4) The filing of the resignation mentioned in clause (j) of subsection 1 shall render vacant the seat of the member. 3-4 Geo. V. c. 43, s. 53.

NOTE.—*Section 53a enacted by 8 Geo. V. c. 32, s. 3, repealed by 10-11 Geo. V. c. 58, s. 1.*

Contracts
by members
with cor-
poration to
be void.

54. If a member of a council in his own name or in that of another and alone or jointly with another enters into a contract with or makes a purchase from or a sale to the corporation, the contract, purchase or sale as against the corporation shall be void. 3-4 Geo. V. c. 43, s. 54.

Exemptions.

55. The following shall be exempt from being elected as ^{Persons} members of a council and from being appointed to any ^{exempt.} municipal office:

- (a) Persons of the age of sixty years and upwards;
- (b) Members and officers of the Senate, or of the House of Commons of Canada, or of the Assembly;
- (c) Coroners;
- (d) Clergymen and ministers of every denomination;
- (e) Members of the Law Society of Upper Canada, whether barristers or students;
- (f) Officers of Courts of Justice;
- (g) Physicians and surgeons;
- (h) Professors, masters and teachers, and the officers and servants of a university, college or school in Ontario;
- (i) Millers;
- (j) Officers and members of a fire brigade or of an authorized fire company. 3-4 Geo. V. c. 43, s. 55.

PART III.

MUNICIPAL ELECTIONS.

Who to be entered on Voters' List.

56.—(1) Every person shall be entitled to be entered on the voters' list prepared under Part I. or II. of *The Ontario Voters' Lists Act*, who is: Qualifica-
tion to be
entered on
voters' list.
Rev. Stat.
c. 6.

NOTE.—*Clause (a) repealed by 7 Geo. V. c. 43 s. 2 (b).*

- (b) Of the full age of twenty-one years;
- (c) A British subject by birth or naturalization;
- (d) Not disqualified under this Act or otherwise by law prohibited from voting; and
- (e) Rated, or entitled to be rated, to the amount hereinafter mentioned on the last revised assessment roll of the local municipality for land held in

his or her own right, or so rated or entitled to be so rated for income or who is entered on or was entitled to be entered on such roll as a farmer's son. 3-4 Geo. V. c. 43, s. 56 (1); 7 Geo. V. c. 43, s. 2 (b).

Amount of
rating
necessary.

(2) The rating for land shall be in respect of a freehold or leasehold, legal or equitable or partly of each to an amount not less than

(a) In villages and townships, \$100;

(b) In towns having a population not exceeding 3,000, \$200;

(c) In towns having a population exceeding 3,000, \$300;

(d) In cities, \$400.

Income.

(3) The rating for income shall be in respect of income from a trade, office, calling or profession of not less than \$400 which has been received during the twelve months next preceding the final revision of the assessment roll or the twelve months next preceding the last day for making complaint to the Judge under *The Ontario Voters' Lists Act*.

Rev. Stat.
c. 6.

Where
owner and
occupant
severally
rated.

(4) If both the owner and the occupant are severally but not jointly rated, each shall be deemed to be rated.

Where land
owned or
occupied
jointly.

(5) Where land is owned or occupied jointly by two or more persons who are rated at an amount sufficient, if equally divided between them, to give a qualification to all, each shall be deemed to be rated within the meaning of this section, otherwise none of them shall be deemed to be so rated.

Farmers'
sons.

Rev. Stat.
c. 195.

(6) A person not entitled under *The Assessment Act* to be entered on the last revised assessment roll as a farmer's son, shall be entitled to be entered on the voters' list if he has the other qualifications of a farmer's son as prescribed by that Act and has resided on the farm of his father or mother for the twelve months next preceding the date of the final revision of the assessment roll or for the twelve months next preceding the last day for making complaint to the judge under *The Ontario Voters' Lists Act*.

Rev. Stat.
c. 6.

Occasional
or temporary
absence.

(7) Occasional or temporary absence from the farm for a time or times not exceeding in the whole six of the twelve months shall not disentitle a farmer's son to be entered on the voters' list. 3-4 Geo. V. c. 43, s. 56. (2-7).

Right to Vote.

57. Subject to sections 59, 60 and 61, every person whose name is entered on the proper voters' list shall be entitled to vote at a municipal election except that in the case of a tenant he shall not be entitled to vote unless he is a resident of the municipality at the date of and has resided therein for one month next before the election and in the case of an income voter and of a farmer's son, he is a resident of the municipality at the date of the election. 3-4 Geo. V. c. 43, s. 57.

Right to
vote.

58. Except as to the disqualification arising from his not residing in the municipality at the time of the election in the case of an income or farmer's son voter or from his not residing in the municipality for one month next before the election and at the time of the election in the case of a tenant, or from the non-payment of taxes in the case of a voter whose name appears on the defaulters' list, no question as to the qualification of any person whose name is entered on the proper list of voters shall be raised at an election. 3-4 Geo. V. c. 43, s. 58.

No question
of qualifica-
tion to be
raised at
election.
Exception.

59.—(1) No person whose name appears on the defaulters' list provided for by section 95 shall be entitled to vote in respect of income in any municipality, or in respect of real property in a municipality, the council of which has passed a by-law under paragraph 9 of section 399, unless at the time of tendering his vote he produces and leaves with the deputy returning officer a certificate from the treasurer, or the collector, shewing that the taxes, in respect of which the default was made, have since been paid.

Persons in
default for
non-pay-
ment of
taxes not
to vote.

(2) The deputy returning officer shall file the certificate and note the same on the defaulters' list. 3-4 Geo. V. c. 43, s. 59.

Certificate
to be filed.

60. The Clerk of the municipality shall not be entitled to vote except to give a casting vote as provided by section 127. 3-4 Geo. V. c. 43, s. 60.

Clerk may
give a cast-
ing vote
only

61.—(1) No person shall be entitled to vote who, at any time, before or during the election, has been employed as counsel, agent, solicitor or clerk or in any other capacity by a candidate or by any other person at or in reference to, or for the purpose of forwarding the election, and who has received or expects to receive, either before, during or after the election, from any candidate or from any other person, for acting in such capacity, any money, fee, office, place or employment, or any promise, pledge or security therefor.

Persons em-
ployed by
candidates
for reward
not to vote.

Exceptions.

(2) Subsection 1 shall not apply to a person who performs any official duty in connection with the election and who receives the fees therefor to which he is entitled. 3-4 Geo. V. c. 43, s. 61.

Where territory added to city, town or village, or a new city, town or village erected with added territory, and no voters' lists including such territory.

62. Where territory has been annexed to an urban municipality, or a town with additional territory erected into a city, or a village with additional territory erected into a town, or a new town or village erected, and an election takes place before a voters' list including the names of the persons entitled to vote in such territory, or for the new town or village, is certified by the Judge, all persons who would have been qualified as municipal electors if such addition had not been made or the new town or village erected, shall be entitled to vote in the city, town or village at such election. 3-4 Geo. V. c. 43, s. 62.

Nomination Meeting.

Meeting for nomination of mayor, reeve, deputy reeves, etc.

63. Subject to subsection 4 of section 64 and to section 73 a meeting of the electors shall take place for the nomination of candidates for mayor and controllers in cities and towns, and for reeve or reeve and deputy reeve or deputy reeves in towns, at the hall of the municipality annually on the last Monday in December, at ten o'clock in the forenoon. 3-4 Geo. V. c. 43, s. 63.

Meetings in cities, towns, etc., for nomination of aldermen, etc.

64.—(1) Subject to subsections 3 to 6, and to section 73, a meeting of the electors shall take place for the nomination of candidates for aldermen in cities and councillors in towns, to be elected by general vote, and for reeves, deputy reeves and councillors in villages and townships, annually at noon, on the last Monday in December, at the hall of the municipality, or at such place therein as may from time to time be fixed by by-law.

Place of nomination.

(2) Where the election of aldermen or councillors is by wards the meeting shall be held annually at noon on the last Monday in December at such places in each ward as may from time to time be fixed by by-law, but the council of a town divided into wards may provide that the meeting for the nomination of candidates for councillors for the wards shall be held at the same time and place as the nomination for mayor.

Nomination of councillors in towns.

Hour for holding nominations in cities.

(3) The council of a city may by the by-law fixing the places for the nomination of candidates for aldermen, provide that the hour of nomination shall be half-past seven o'clock in the afternoon. 3-4 Geo. V. c. 43, s. 64 (1-3).

(4) The council of a town or village may by by-law provide that the meeting for the nomination of all candidates may be held at half-past seven o'clock in the afternoon and any such by-law shall remain in force from year to year until it is repealed. 3-4 Geo. V. c. 43, s. 64 (4); 9 Geo. V. c. 46, s. 3. In towns and villages.

(5) The council of a township may by by-law provide that the meeting for the nomination of all candidates shall be held at one o'clock in the afternoon. In townships.

(6) Where a township adjoins an urban municipality, that municipality may be designated as the place of meeting for the nomination of all candidates. 3-4 Geo. V. c. 43, s. 64 (5, 6). Where township adjoins urban municipality.

65. The nomination meeting shall be held on the day fixed for it by or under the authority of this Act, except where it is Christmas Day, and in that case the meeting shall be held on the preceding Friday. 3-4 Geo. V. c. 43, s. 65. If nomination day falls on Christmas.

66. Where the incorporation of a new municipality takes effect on the 31st day of December as provided by section 31, the nomination and all proceedings incidental thereto and to the holding of the election on the 1st Monday of the January following may be had and taken as if the incorporation had taken effect. 3-4 Geo. V. c. 43, s. 66. Nomination and polling in new municipality.

67. The returning officer shall give at least six days' notice of the nomination meeting. 3-4 Geo. V. c. 43, s. 67. Notice of nomination meeting.

68.—(1) At all nomination meetings, the candidates for each office shall be proposed and seconded *seriatim*, and every nomination shall be in writing, shall state the name, residence and occupation of the candidate, and shall be signed by his proposer and seconder, both of whom shall be present, and filed with the returning officer within one hour from the time fixed for holding the meeting. Nomination and proceedings incidental thereto.

(2) Failure to comply with the provisions of subsection 1 shall not invalidate the nomination if it is received and acted on by the returning officer without objection. Non-compliance, effect of.

(3) If no more candidates are nominated for an office than are to be elected, the returning officer, after the lapse of one hour from the time fixed for holding the meeting, shall declare such candidate duly elected. Where only one candidate nominated for an office.

In what
cases poll
to be held.

(4) If more candidates are nominated for an office than are to be elected, the returning officer shall adjourn the proceedings until the first Monday in January next thereafter, when, unless there is an election by reason of the resignation of any candidate or candidates nominated, as in the next succeeding section provided, polls shall be opened in each ward or polling subdivision at such place or places as have been fixed by by-law. 3-4 Geo. V. c. 43, s. 68.

Names of
candidates
to be posted
up.

69.—(1) The returning officer shall, on the day of the nomination, post up in the office of the clerk the names of the persons nominated for the respective offices.

Resignation
of person
nominated.

(2) At the nomination meeting or at any time before nine o'clock in the afternoon of the following day, or, if that day is a holiday, before noon of the succeeding day, any person nominated for one or more offices may resign, or may elect for which office he is to remain nominated; and in default he shall be deemed to be nominated for the office for which he was first nominated.

When
resigna-
tions to be
in writing.

(3) Where he resigns after the nomination meeting the resignation shall be in writing, signed by him and attested by a witness, and shall be delivered to the clerk within the time hereinbefore mentioned. 3-4 Geo. V. c. 43, s. 69 (1-3).

Candidates
to file
declaration
of qualifi-
cation.

(4) Every candidate for any municipal office, shall on nomination day, or before nine o'clock in the afternoon of the following day, or if that day is a holiday before noon of the succeeding day, file in the office of the clerk a declaration, Form 2. 3-4 Geo. V. c. 43, s. 69 (4); 10-11 Geo. V. c. 58, s. 2.

When
declaration
may be
made by
some one
for candi-
date.

(5) Where a candidate is unable on account of illness or absence from the municipality to make the declaration or to file it within the time prescribed by subsection 4, and he appears by the last revised assessment roll to be qualified to be elected, the declaration of any person who has and states in the declaration that he has knowledge of the facts, that the inability exists and the nature of it and that he has reason to believe and does believe that the candidate possesses the qualification prescribed for the office for which he has been nominated and that if elected he will accept the office may be filed in lieu of the declaration of the candidate.

Effect of
failure to
make de-
claration.

(6) If one or other of such declarations is not filed within the time mentioned in subsection 4, the candidate in default shall be deemed to have resigned, and his name shall be removed from the list of candidates and shall not be printed on the ballot paper.

(7) If by reason of resignations the number of candidates remaining for any office does not exceed the number to be elected the returning officer, whether the event happens on or after nomination day, shall declare the remaining candidate or candidates duly elected. Election by acclamation when other candidates retire.

(8) On the day following the nomination day, the returning officer for each ward shall certify to the clerk the result of the meeting. 3-4 Geo. V. c. 43, s. 69 (5-8). Result of nomination meeting.

70.—(1) Where the candidates, or any of them, retire, and by reason of such retirement or where from any other cause the requisite number of persons is not elected, the members elected, if they equal or exceed one-half of the council when complete, or a majority of such members, shall order a new election to be held to fill the vacancies. Non-election of full council by reason of retirement of candidates.

(2) Where less than half the members of the council are elected, the clerk shall cause a new election to be held; and until such election is held, and the council is elected, the council of the preceding year shall continue in office. Retirement by a majority of council.

(3) The new election shall be held as soon as practicable. 3-4 Geo. V. c. 43, s. 70. New election, when to be held.

71. Except in the case of the first election provided for by sections 24 and 27 and subject to section 73 the electors of every local municipality shall elect annually on the first Monday in January, although it is a holiday, the members of council, the water commissioners, and the sewerage commissioners who are to be elected, except such as have been elected at the nomination. 3-4 Geo. V. c. 43, s. 71. Elections to be held annually.

72. The members of a council shall hold office until their successors are elected and the new council is organized. 3-4 Geo. V. c. 43, s. 72 (1). Term of office of members, etc.

73. The council of a local municipality may, by by-law passed not later in the year than the 15th day of November, provide that the meeting of electors for the nomination of candidates for Mayor, Controllers, Aldermen, Reeves, Deputy Reeves, Councillors, and in urban municipalities, the Public School Board, and the Board of Education shall be held on the 23rd day of December, except where that day is a Saturday or a Sunday and in that case on the preceding Friday, and that the polling shall take place on the 1st day of January next thereafter, except where that day is a Sunday, and in that case on the following day, and the by-law shall remain in force from year to year until repealed. 3-4 Geo. V. c. 43, s. 73; 4 Geo. V. c. 33, s. 4; 5 Geo. V. c. 34, s. 12; 9 Geo. V. c. 46, s. 4. By-laws for holding nominations on 23rd December and elections on New Year's Day in certain cities.

Time for
nomination
and polling
in cities
over 200,000.

73a. Notwithstanding the provisions of section 73, the council of any city having a population of not less than 200,000 may by by-law passed not later in the year than the 15th day of November, provide that the meeting of electors for the nomination of candidates for mayor, controllers, aldermen and the board of education, shall be held on the 21st day of December, except where that day is a Saturday or a Sunday, and in that case on the preceding Friday, and that the polling shall take place on the 1st day of January next thereafter except where that day is a Sunday, and in that case on the following day, and the by-law shall remain in force from year to year until repealed. 10-11 Geo. V. c. 58, s. 3.

Two years' term for councils may be adopted.

74. The council of a local municipality may by by-law passed with the assent of the municipal electors, extend the term of office of the members of the council to be thereafter elected to two years, and may with the like assent repeal such by-law. 3-4 Geo. V. c. 43, s. 74.

Election to be held in municipality.

75. Subject to subsection 6 of section 64 the election shall be held in the municipality. 3-4 Geo. V. c. 43, s. 75.

Election not to be held in tavern.

76. An election shall not be held in a tavern or in a house of public entertainment licensed to sell spirituous or fermented liquors. 3-4 Geo. V. c. 43, s. 76.

Appointment of places for nomination, and polling, deputy returning officers, etc.

77.—(1) The council of every local municipality in which the election is by wards or polling subdivisions, shall from time to time appoint:

- (a) The places for holding the nominations for each ward;
- (b) A returning officer to hold the nominations for each ward;
- (c) The places at which polls shall be opened if a poll is required;
- (d) A deputy returning officer and a poll clerk for each polling subdivision.

Election officers, how appointed in cities over 100,000.

(2) In a city having a population of not less than 100,000 the returning officers, deputy returning officers, and poll clerks shall be appointed on the recommendation of the clerk, and such appointments shall be made at least one month before polling day, and as far as practicable the deputy returning officers and poll clerks shall be appointed for polling places in the subdivisions in which they reside.

(3) If a poll clerk signifies to the returning officer in writing that he will not act, the returning officer shall appoint another person to act in his place. Poll clerk refusing to act, etc.

(4) If a poll clerk does not attend at the opening of the poll the deputy returning officer shall appoint another person to act in his place. Appointment of poll clerk by D.R.O.

(5) The clerk shall be the returning officer for the whole municipality; and if a poll is required, the deputy returning officers shall make to him the returns for their respective wards or polling subdivisions. 3-4 Geo. V. c. 43, s. 77. Clerk to be returning officer for whole municipality.

78.—(1) In a local municipality which is not divided into polling subdivisions, the clerk or such person as the council may appoint to act in the absence of the clerk through illness or otherwise, shall be the returning officer for the nomination of candidates. 3-4 Geo. V. c. 43, s. 78 (1); 9 Geo. V. c. 46, s. 5. Returning and deputy officer where election not by polling sub-divisions

(2) The council shall from time to time appoint the place at which the poll shall be opened if a poll is required. 3-4 Geo. V. c. 43, s. 78 (2). Polling place.

79.—(1) Where a by-law to appoint the place for holding any meeting required to be held for the nomination of candidates is necessary and the council fails to pass it the meeting shall be held at the place at which the nomination for the next preceding election was held. Place for nomination and polling where council fails to fix places.

(2) Where the council fails to appoint all or any of the places at which a poll is to be opened if a poll is required, as to such of them as are not appointed, the polls shall be opened at the place or places at which the polling took place at the next preceding election. 3-4 Geo. V. c. 43, s. 79.

80.—(1) Where the returning officer for any ward notifies the clerk that he is unable or that he refuses to act or does not attend at the time and place appointed by the clerk to receive his instructions and nomination papers, or where a deputy returning officer does not attend at the time and place at which he is required by the clerk to attend to receive his ballot box, voters' lists, and other election papers, the clerk shall appoint another person to act in his place. Refusal or neglect of returning officer or deputy returning officer to perform his duties.

(2) If at the time and place appointed for holding a nomination the returning officer does not attend to hold the nomination within fifteen minutes after the time appointed When electors may choose returning officer.

or if no returning officer has been appointed, the electors present at the place for holding the nomination may choose from amongst themselves a returning officer to hold the nomination.

Case of
deputy
returning
officer not
attending
at poll.

(3) If at the time and place appointed for holding the poll the deputy returning officer does not attend within one hour after the time appointed, the clerk shall appoint another person to act in his place and shall furnish him with a ballot box, voters' lists and other election papers.

When
electors
not to
choose
deputy.

(4) In a city having a population of not less than 100,000 a deputy returning officer shall not be appointed unless a poll clerk has not been appointed or if appointed is not present, but the poll clerk shall act as deputy returning officer and he shall appoint some other person to be poll clerk.

Where
returning
officer or
deputy is
unable to
perform his
duties.

(5) If, during the polling, the returning officer or the deputy returning officer at a polling place becomes unable, through illness or other cause, to perform his duties, the poll clerk shall act in his place and shall perform all the duties of a returning officer or deputy returning officer, and may appoint some other person to act as poll clerk. 3-4 Geo. V. c. 43, s. 80.

Returning
officers and
deputy
returning
officers to
be conserva-
tors of the
peace.

81.—(1) A returning officer and a deputy returning officer from the time he takes the oath of office until the day after the close of the election or of the voting on a by-law shall be a conservator of the peace and shall have all the powers of a Justice of the Peace.

Arrest of
person
disturbing
peace.

(2) A returning officer, a deputy returning officer or a Justice of the Peace may arrest or by a verbal order cause to be arrested and placed in the custody of a constable or of any other person a person who disturbs the peace and good order and may cause such person to be imprisoned under an order signed by him until an hour not later than the closing of the nomination, polling or voting as the case may be, and all constables and persons present when required shall assist the returning officer, deputy returning officer or Justice of the Peace in the performance of his duties under this subsection. 3-4 Geo. V. c. 43, s. 81.

Special
constables
may be
sworn in.

82. A returning officer, a deputy returning officer, or a Justice of the Peace may appoint and swear in as many special constables to assist in the preservation of the peace and order as he may deem necessary; and any person liable to serve as constable, and required by a returning officer, a deputy returning officer, or a justice, to be sworn in as a special constable, if he refuses to be sworn in or to serve, shall incur a penalty of \$20. 3-4 Geo. V. c. 43, s. 82.

Ballot Boxes.

83.—(1) Where a poll is required, the clerk shall procure as many ballot boxes as there are polling subdivisions. Ballot boxes to be furnished.

(2) The ballot boxes shall be made of durable material, provided with lock and key, and so constructed that the ballot papers can be deposited therein and cannot be withdrawn without unlocking the box. How made.

(3) Two days at least before polling day the clerk shall deliver a ballot box to every deputy returning officer. Delivery of to deputy returning officers.

(4) The ballot boxes, when returned to the clerk after the election, shall be preserved by him for use at future elections; and he shall have ready for use, at all times, as many ballot boxes as there are polling subdivisions. Clerk to preserve boxes for future elections.

(5) If the clerk fails to provide the ballot boxes he shall incur a penalty of \$100 in respect of every ballot box which he fails to provide. Penalty for failure to furnish boxes.

(6) A deputy returning officer who has not been provided with a ballot box within the time prescribed, shall forthwith procure one to be made, and he may make a requisition upon the treasurer for payment of the cost of it, and the treasurer shall pay the same to the deputy returning officer. 3-4 Geo. V. c. 43, s. 83. Deputy returning officers to procure boxes when not supplied.

Ballot Papers.

84. Where a poll is required, the clerk shall forthwith cause to be printed a sufficient number of ballot papers for the purposes of the election. 3-4 Geo. V. c. 43, s. 84. Ballot papers to be printed.

85.—(1) In cities and towns in which the aldermen or councillors are elected by wards, there shall be prepared one set of ballot papers for all the polling subdivisions containing the names of the candidates for mayor, another set for all the polling subdivisions containing the names of the candidates for reeve, or reeve and deputy reeves, and another set for each ward containing the names of the candidates for aldermen or councillors for the ward. Ballot papers where election is by wards.

(2) In cities and towns where the aldermen or councillors are elected by general vote, there shall be prepared for all the polling subdivisions one set of ballot papers containing the names of the candidates for mayor or mayor and reeve or mayor, reeve and deputy reeves, and another set containing the names of the candidates for aldermen or councillors. Ballot papers where aldermen or councillors elected by general vote.

Ballot
papers for
townships
and villages.

(3) In villages and townships there shall be prepared one set of ballot papers containing the names of the candidates for reeve or reeve and deputy reeves and for councillors.

Ballot
papers for
controllers,
etc.

(4) There shall also be separate sets of ballot papers for controllers and public utility commissioners. 3-4 Geo. V. c. 43, s. 85.

Form of
ballot
papers.

86. The ballot papers shall be according to Forms 3, 4, or 5, and shall contain the names of the candidates arranged alphabetically in the order of their surnames, or if there are two or more candidates for the same office with the same surname, in the order of their Christian names. 3-4 Geo. V. c. 43, s. 86.

Polling Places.

Clerk to
furnish
deputy
returning
officers
with ballot
papers, etc.

87. Before opening the poll, the clerk shall deliver to every deputy returning officer the ballot papers for use in the polling subdivision for which he has been appointed, and shall furnish him with the materials necessary to enable voters to mark their ballot papers, and such materials shall be kept at the polling place by the deputy returning officer for the use of voters. 3-4 Geo. V. c. 43, s. 87.

Compartment
for marking
ballots.

88. Every polling place shall be furnished with a compartment in which the voters can mark their ballot papers screened from observation, and if it is not provided by the corporation the deputy returning officer shall furnish it, and the cost of it shall be repaid to him as provided by subsection 6 of section 83. 3-4 Geo. V. c. 43, s. 88.

Directions to Voters.

Directions
to voters to
be printed.

89. The clerk shall cause to be printed in conspicuous type a sufficient number of the directions for the guidance of voters, Form 6, for the purposes of election, and shall deliver to every deputy returning officer as many of the printed directions, but not less than five, as the clerk may deem sufficient. 3-4 Geo. V. c. 43, s. 89.

Deputy
returning
officers to
placard the
directions.

90. Every deputy returning officer, before opening the poll, or immediately after he has received the printed directions from the clerk, if the same were not received before opening the poll, shall cause them to be placarded outside the polling place, and in every compartment of the polling place, and shall see that they remain so placarded until the close of the polling. 3-4 Geo. V. c. 43, s. 90.

Voters' Lists, Poll Books.

91. The proper list of voters to be used at an election shall be the first and second parts of the last voters' list certified by the Judge and delivered or transmitted to the Clerk of the Peace under *The Ontario Voters' Lists Act*, with the supplementary list, if any, under section 93 or the list provided for by section 94. 3-4 Geo. V. c. 43, s. 91; 5 Geo. V. c. 34, s. 13.

Proper voters list to be used at an election. Rev. Stat. c. 6.

92. For the first election in a new municipality for which there is no assessment roll, the clerk, instead of a voters' list, shall provide every deputy returning officer with a poll book, Form 7, and the deputy returning officer or the poll clerk shall enter in it in the proper column, the name of every person who tenders his vote, and, at the request of any candidate or voter, shall note opposite the name of such person, the property in respect of which he claims to be entitled to vote. 3-4 Geo. V. c. 43, s. 92.

For first election in new municipality.

93.—(1) Where a district as defined by section 11 has been annexed to an urban municipality, or a town with additional territory erected into a city, or a village with additional territory into a town, or a new town or village is erected, and an election takes place before a voters' list including the names of the persons entitled to vote in such district, territory or for the new town or village is certified by the Judge, the clerk of the municipality to which the same was added, and in the case of a new town or village the returning officer shall prepare from the last certified voters' list of the municipality from which such district, territory, town or village was or became detached, a supplementary list of voters containing the names of and the other particulars relating to the persons who would have been entitled to vote in such district territory if it had not been so detached.

Voters' lists on formation of new corporation, etc.

(2) The supplementary list shall be signed by the clerk and attested by his declaration, and he shall deliver to every deputy returning officer a copy of so much of such list as relates to his polling subdivision. 3-4 Geo. V. c. 43, s. 93.

Clerk's duties as to supplementary lists.

94. In a municipality for which there is an assessment roll, but for which there is no voters' list certified by the Judge, the clerk shall, before the poll is opened, prepare and deliver to the deputy returning officer for every polling subdivision, a list signed by him and attested by his declaration, containing the names, arranged alphabetically, of all persons appearing by the then last revised assessment roll to be entitled to vote in that polling subdivision. 3-4 Geo. V. c. 43, s. 94.

Voters' list, when clerk to prepare.

List of Defaulters in Payment of Taxes.

Preparation
of list of
defaulters.

95.—(1) On or before the last Monday in December the treasurer of each local municipality, if the collector's roll has been returned to him or the collector, if the roll has not been so returned, shall prepare and verify by his declaration and shall deliver to the clerk an alphabetical list of—

(a) All persons entered on the first and second parts of the voters' list in respect of income only, who have not paid the taxes on such income on or before the 14th day of December next preceding the election; and,

(b) In municipalities the councils of which have passed by-laws under paragraph 9 of section 399, all persons entered on the first and second parts of the voters' list, who have not paid all municipal taxes due by them on or before the 14th day of December next preceding the election.

List to be
made for
each polling
subdivision.

(2) Where a municipality is divided into polling subdivisions, such a defaulters' list shall be made for each polling subdivision.

Certified
copies to be
furnished.

(3) The person who prepares the defaulters' list shall furnish to all persons applying for the same, certified copies of it and of the declaration, in the same manner as and for the same compensation for which copies of the voters' list are to be furnished. 3-4 Geo. V. c. 43, s. 95.

Delivery
of copies of
voters' list,
poll book
and default-
ers' list to
deputy
returning
officers.

96.—(1) The clerk, before the poll is opened, shall at a time and place appointed by him deliver to the deputy returning officer for every polling subdivision a list, either printed or written, or partly printed and partly written, certified to be a correct list of voters for the polling subdivision, together with a blank poll book, Form 7, and also a copy of the proper defaulters' list prepared under section 95 for the polling subdivision.

Copies may
be prepared
by clerk of
municipality
or procured
from Clerk
of Peace.

(2) The list of voters may be prepared by the clerk or may be procured from the Clerk of the Peace; and in the latter case the Clerk of the Peace shall be entitled to six cents for every ten voters whose names are on the list. 3-4 Geo. V. c. 43, s. 96.

Clerk to
give certifi-
cate of dates
of final
revision of
assessment
roll, etc.

Certificates as to the Assessment Roll.

97.—(1) The clerk, before the poll is opened, shall deliver to every deputy returning officer a certificate, Form 8,
of

- (a) The date of the final revision of the assessment roll, and
 - (b) The last day for making complaints to the judge with respect to the voters' list to be used at the election.
- (2) The clerk shall also give to any person applying for it a like certificate upon payment of twenty-five cents. Fee for certificate.
- (3) For every contravention of subsection 2 the clerk shall incur a penalty of \$200. 3-4 Geo. V. c. 43, s. 97. Penalty for neglect.

In Municipalities without Polling Subdivisions.

98. In municipalities not divided into polling subdivisions, the clerk shall perform the duties which in other cases are performed by deputy returning officers, and shall provide himself with the necessary ballot papers, the materials for marking ballot papers, the printed directions for the guidance of voters, copies of the voters' list, poll book and defaulters' list, and a certificate of the date of the final revision of the assessment roll, and the last day for making complaints to the judge with respect to the voters' list; and he shall perform the like duties with respect to the whole municipality as are imposed upon a deputy returning officer for a polling subdivision. 3-4 Geo. V. c. 43, s. 98. In municipalities not divided into polling subdivisions, clerk to perform duties of deputy returning officers.

Where and how often electors may vote.

- 99.**—(1) An elector shall be entitled to vote,
- (a) once only for mayor, controller, reeve, first deputy reeve, second deputy reeve, third deputy reeve; Number of votes which may be given by each elector.
 - (b) where the election is by general vote once only for as many candidates for any office as there are offices to be filled and once only for each of them.

(2) Where the election is by general vote and an elector is qualified to vote in more than one ward or polling subdivision he shall vote only in that in which he resides if qualified to vote there, or if not qualified to vote there or if he is not a resident of the municipality, he may elect at which of such wards or polling subdivisions he will vote and shall vote there only. Where election by general vote.

(3) Where the aldermen or councillors are elected by wards an elector if qualified to vote therein may vote in each ward for as many candidates as there are offices to be filled and once only for each of them. 3-4 Geo. V. c. 43, s. 99. Where aldermen, etc., elected by wards.

Certificate to entitle deputy returning officers, poll clerks, and agents to vote where stationed.

100.—(1) The clerk, at the request of an elector, who has been appointed deputy returning officer, poll clerk, or agent of a candidate, for any polling place other than the one at which he is entitled to vote, shall give to such elector a certificate that he is entitled to vote at the polling place where he is to be stationed during polling day; and the certificate shall state the property or other qualification in respect of which he is entitled to vote.

Right to vote on production of certificate.

(2) On the production of the certificate such elector shall have the right to vote at the polling place at which he is stationed instead of at the polling place at which he would otherwise be entitled to vote; and the deputy returning officer shall attach the certificate to the voters' list.

Certificate only to entitle officials who act.

(3) The certificate shall not entitle the elector to vote at such polling place unless he has been actually engaged as deputy returning officer, poll clerk, or agent during polling day, or to vote for aldermen in cities, or for councillors in municipalities divided into wards, except in the ward where he would otherwise be entitled to vote.

Who to administer oath.

(4) If a deputy returning officer votes at the polling place for which he has been appointed, the poll clerk, or in his absence any elector entitled to be present, may administer to the deputy returning officer the oath required by law to be taken by voters. 3-4 Geo. V. c. 43, s. 100.

The Poll

Time for opening and closing poll.

101.—(1) The poll shall be opened at every polling place at nine o'clock in the forenoon and shall be kept open until five o'clock in the afternoon of the same day.

By-law for extension of time.

(2) The council of a city may by by-law passed before the 15th day of November in any year extend the time for keeping open the poll until seven o'clock in the afternoon.

Vote by ballot.

(3) The votes shall be given by ballot. 3-4 Geo. V. c. 43, s. 101.

Deputy returning officer to show box empty to persons present and then lock and seal it.

102. The deputy returning officer shall, immediately before opening the poll, show the ballot box to such persons as are present in the polling place, so that they may see if it is empty, and he shall then lock the box and place his seal upon it in such a manner as to prevent its being opened without breaking the seal, and he shall keep the box on a desk, counter or table or otherwise so that it is raised above the floor in full view of all present, and shall keep the box so locked and sealed. 3-4 Geo. V. c. 43, s. 102.

103.—(1) Where a person tenders his vote, the deputy returning officer shall proceed as follows:

- (a) Except where there is no voters' list he shall ascertain that the name of such person or a name apparently intended for it is entered on the voters' list for the polling subdivision. Proceedings by deputy returning officer on tender of vote.
Name.
- (b) He shall record, or cause to be recorded by the poll clerk, in the proper columns of the poll book the name, qualification, residence and occupation of such person. Recording.
- (c) Where the vote is objected to by any candidate or his agent, the deputy returning officer shall enter or cause to be entered the objection in the poll book, by writing opposite the name of such person in the proper column the words "*Objected to*," and the name of the candidate by or on behalf of whom the objection was made. Objection.
- (d) If such person takes the prescribed oath, the deputy returning officer shall enter or cause to be entered opposite such person's name, in the proper column of the poll book the word "*Sworn*," or "*Affirmed*," according to the fact. Oath.
- (e) Where such person has been required to take the oath and refuses to do so, the deputy returning officer shall enter or cause to be entered opposite the name of such person, in the proper column of the poll book, the words, "*Refused to be Sworn*," or "*Refused to Affirm*," according to the fact. Refusal to take the oath.
- (f) After the proper entries have been made in the poll book the deputy returning officer shall place or cause to be placed a check or mark opposite the name of the voter in the voters' list to indicate that he has voted, and shall then put his initials on the back of the ballot paper. Deputy returning officer to initial ballot paper and mark voters' list.
- (g) The ballot paper shall then be delivered to such person. Delivery of to voter.
- (h) The deputy returning officer may, and upon request shall, either personally or through the poll clerk explain to the voter, as concisely as possible, the mode of voting. Deputy returning officer to explain mode of voting.

Penalty.

(2) The vote of a person who has refused to take the oath shall not be received, and if the deputy returning officer receives such vote, or causes it to be received, he shall incur a penalty of \$200. 3-4 Geo. V. c. 43, s. 103.

Oath, etc., of person claiming to vote.

104.—(1) The only oath to be required of a person claiming to vote shall be according to Form 9.

Voter may select any form of oath.

(2) The voter shall be entitled to select any one of the forms of oath, whatever may be the description either in the voters' list or assessment roll of the qualification or character in which he is entered upon it.

When and how oaths are to be administered.

(3) The oath may be administered by the returning officer or deputy returning officer if he thinks fit, and shall be administered at the request of any candidate or his agent, and no inquiry shall be made of a voter, except with respect to the matters required to be stated in the oath or to ascertain if he is the person intended to be designated on the voters' list, or the assessment roll, as the case may be. 3-4 Geo. V. c. 43, s. 104.

Deputy returning officer to initial names of persons voting.

105. The deputy returning officer or the poll clerk shall place his initials in the appropriate column of the poll book opposite the name of every person who has voted for a candidate for the office named in that column. 3-4 Geo. V. c. 43, s. 105.

Marking ballot paper.

106.—(1) Upon receiving the ballot paper the person receiving it shall—

(a) Forthwith proceed into the compartment provided for the purpose, and shall then and there mark his ballot paper by placing a cross, on the right hand side, opposite the name of a candidate for whom he desires to vote, or at any other place within the division which contains the name of such candidate;

(b) Then fold the ballot paper so as to conceal the names of the candidates, and the marks upon the face of it, and to expose the initials of the deputy returning officer;

(c) Then leave the compartment without delay, and without showing the face of the ballot paper to anyone, or so displaying it as to make known how he has marked it; and

(d) Then deliver the ballot paper so folded to the deputy returning officer.

(2) The deputy returning officer, without unfolding the ballot paper, or in any way disclosing the names of the candidates, or the marks made by the voter, shall verify his own initials, and at once deposit the ballot paper in the ballot box in the presence of all persons entitled to be present and then present in the polling place; and the voter shall forthwith leave the polling place. 3-4 Geo. V. c. 43, s. 106.

Duties of
D.R.O. on
receipt of
ballot.

107. While a voter is in a compartment for the purpose of marking his ballot paper, no other person shall be allowed to enter the compartment, or to be in a position from which he can see how the voter marks his ballot paper. 3-4 Geo. V. c. 43, s. 107.

Exclusion
from ballot-
ing compart-
ment.

108. A person who has received a ballot paper shall not take, and the deputy returning officer may prevent him from taking it out of the polling place and if he leaves the polling place without delivering it to the deputy returning officer in the prescribed manner or returns the ballot paper declining to vote he shall thereby forfeit his right to vote and the deputy returning officer shall make an entry in the poll book, in the column for "*Remarks*," to the effect that such person received a ballot paper, but took it out of the polling place, or returned it, declining to vote, as the case may be and in the latter case the deputy returning officer shall immediately write the word "*Declined*" upon the ballot paper and shall preserve it. 3-4 Geo. V. c. 43, s. 108.

Voter not
to take his
ballot paper
from polling
place.

109.—(1) The deputy returning officer on the application of a voter who is incapacitated by blindness or other physical cause from marking his ballot paper, or who makes a declaration, Form 10, that he is unable to read, or where the voting is on a Saturday that he is of the Jewish persuasion and objects on religious grounds to mark his ballot paper in the manner prescribed by section 106, the deputy returning officer shall—

Proceedings
in case of
incapacity
to mark
ballot
paper.

(a) In the presence of the poll clerk and the agents of the candidates, cause the vote of such person to be marked on the ballot paper in the manner directed by him, and shall place the ballot paper in the ballot box.

(b) Make an entry opposite the name of the voter in the proper column of the poll book, that his vote was marked in pursuance of this section, and of the reason why it was so marked.

(2) Where the voter objects on religious grounds to mark his ballot paper, the declaration may be made orally. 3-4 Geo. V. c. 43, s. 109.

Oral de-
claration.

Proceedings
in case
ballot paper
cannot be
used.

110. A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used, upon returning it to the deputy returning officer shall be entitled to obtain another ballot paper, and the deputy returning officer shall immediately write the word "*Cancelled*" upon the first mentioned ballot paper, and preserve it. 3-4 Geo. V. c. 43, s. 110.

What shall
be deemed
a tender of
a vote and
a voting.

111. A person who applies for a ballot paper shall be deemed to have tendered his vote; and a person whose ballot paper has been deposited in the ballot box, or who has delivered it to the deputy returning officer or poll clerk, for the purpose of having it deposited in the ballot box, shall be deemed to have voted. 3-4 Geo. V. c. 43, s. 111.

Who may
be in poll-
ing place.

112. The deputy returning officer, the poll clerk, the constable or constables, the candidates and their agents, and no others, shall be permitted to remain in the polling place during the time the poll is open or at the counting of the votes. 3-4 Geo. V. c. 43, s. 112.

Number
of agents.

113. In cities in which the aldermen are elected by general vote a candidate shall be entitled to one agent only, and except in such cities a candidate in any municipality shall be entitled to two agents. 3-4 Geo. V. c. 43, s. 113.

Use of
delivery of
election
cards, etc.

114.—(1) No person on the day of the polling shall use or deliver to any other person any card, ticket, leaflet, book, circular or writing soliciting votes for or against any candidate, or by-law, or for an affirmative or negative answer to any question, or having upon it the name of any candidate.

Penalty.

(2) Every person who contravenes the provisions of subsection 1 shall incur a penalty not exceeding \$20. 3-4 Geo. V. c. 43, s. 114.

Proceedings after the Close of the Poll.

Counting
the votes.

115. Immediately after the close of the poll, the deputy returning officer shall first place all the cancelled and declined ballot papers in separate packets and seal them up, and shall then count the number of voters whose names appear by the poll book to have voted, and cause a certificate, in the following form:—" *I certify that the number of voters who voted at the election in this polling place is (stating the number in words) and that ———— was the last person who voted at this polling place,*" to be entered in the poll book on the line immediately below the name of the voter who voted last, and such certificate shall be signed by the deputy returning

officer, the poll clerk, and any candidate or agent present who desires to sign it; then, in their presence and in full view he shall open the ballot box and count the number of votes for each candidate, giving full opportunity to those present to examine each ballot paper. 3-4 Geo. V. c. 43, s. 115.

116. In counting the votes the deputy returning officer shall reject all ballot papers— What votes to be rejected.

- (a) Which have not been supplied by him; or
- (b) By which votes have been given for more candidates than are to be elected; or,
- (c) Upon which there is any writing or mark by which the voter can be identified, or which has been so torn, defaced or otherwise dealt with by the voter that he can thereby be identified;

but no word, letter or mark written or made or omitted to be written or made by the deputy returning officer on a ballot paper shall avoid it or warrant its rejection. 3-4 Geo. V. c. 43, s. 116.

117.—(1) The deputy returning officer shall make a note of every objection taken to a ballot paper, by a candidate or his agent, and shall decide the objection subject to review on recount or in a proceeding questioning the validity of the election. Objections to be noted and decided.

(2) Each objection shall be numbered, and a corresponding number shall be placed on the back of the ballot paper and initialed by the deputy returning officer. 3-4 Geo. V. c. 43, s. 117. Numbering objections.

118.—(1) All the ballot papers except those rejected shall be counted, shall be put into a packet, and an account shall be kept of the number of ballots cast for each candidate, and of the number of rejected ballot papers, and the rejected and unused ballot papers shall be put into separate packets. Account to be kept of ballot papers.

(2) Every packet shall be endorsed so as to indicate its contents, and shall be sealed by the deputy returning officer, and any candidate or agent present may write his name on the packet and may affix to it his seal. 3-4 Geo. V. c. 43, s. 118. Each packet to be endorsed and sealed.

119.—(1) The deputy returning officer shall make out a statement in duplicate of— Statement of result to be made by deputy returning officer.

- (a) The number of ballot papers received from the clerk;
- (b) the number of votes given for each candidate and the rejected ballot papers;
- (c) The used ballot papers which have not been objected to and have been counted;
- (d) The ballot papers which have been objected to, but which have been counted by the deputy returning officer;
- (e) The rejected ballot papers;
- (f) The cancelled ballot papers;
- (g) The declined ballot papers;
- (h) The unused ballot papers;
- (i) The number of voters whose ballot papers have been marked by the deputy returning officer under section 109.

Disposal of statement.

- (2) One statement shall be attached to the poll book, and the other shall be enclosed in a special packet and delivered to the clerk.

Signing of statement.

- (3) The statement shall be signed by the deputy returning officer and the poll clerk and such of the candidates or their agents as are present, and desire to sign it.

Certificate of result of poll.

- (4) The deputy returning officer shall deliver to such of the candidates or their agents as are present, if requested to do so, a certificate of the number of ballot papers counted for each candidate, and of the rejected ballot papers. 3-4 Geo. V. c. 43, s. 119.

Oath of poll clerk.

- 120.** The poll clerk, immediately after the completion of the counting of the votes, shall take and subscribe an oath similar to that required by subsection 3 of section 122, to be taken by the deputy returning officer. 3-4 Geo. V. c. 43, s. 120.

Poll book, voters' list and packets to be put in ballot box.

- 121.** The poll book, the voters' list, the packets containing the ballot papers, and all other documents which served at the election, except the duplicate statement shall then be placed in the ballot box. 3-4 Geo. V. c. 43, s. 121.

122.—(1) The deputy returning officer shall then immediately lock and seal the box, and any candidate or agent present may also affix to it his seal and the deputy returning officer shall then forthwith deliver it personally to the clerk, or if he is unable to do so owing to illness or other imperative cause, he shall deliver it to the poll clerk, or where the poll clerk is unable to act, to some person chosen by the deputy returning officer for the purpose of delivering it, and shall on it or on a ticket attached to it write the name of the person to whom the ballot box has been delivered, and shall take a receipt for it, and the poll clerk or person so chosen shall forthwith deliver the ballot box personally to the clerk and shall take and subscribe before him, the oath, Form 12.

Delivery of
ballot box
to clerk.

(2) In cities and towns, the deputy returning officer, or in case of his inability, as mentioned in subsection 1, the poll clerk or the person chosen, shall proceed directly from the polling place to the office of the clerk with the ballot box, and there personally on the same day, as soon as possible after leaving the polling place, deliver it to the clerk, and the poll clerk or the person chosen shall take and subscribe before him the oath, Form 12, and the clerk shall remain in his office on the evening of the polling day until all the ballot boxes have been returned to him.

Return of
ballot boxes,
etc., in
cities and
towns.

(3) Forthwith thereafter the deputy returning officer shall take and subscribe the oath, Form 13, and shall personally deliver it or transmit it by registered post to the clerk. 3-4 Geo. V. c. 43, s. 122.

Oath of
D.R.O.

123. The clerk, upon the receipt of a ballot box, shall take every precaution for its safe keeping and for preventing any other person from having access to it, and shall immediately on the receipt of it seal it with his own seal in such a way that it cannot be opened without his seal being broken, and that any other seals affixed to it are not effaced or covered. 3-4 Geo. V. c. 43, s. 123.

Duties of
clerk as to
ballot box.

124. A deputy returning officer in a city or town shall not under any circumstances take, or allow to be taken, the ballot box to his home, house, office, or place of business, or to any house or place except the office of the clerk. 3-4 Geo. V. c. 43, s. 124.

D.R.O. not
to take
ballot box
to his home.

125. Where the holding of the election has been interrupted, as mentioned in section 128, the deputy returning officer shall delay making his return to the clerk until the polling has taken place. 3-4 Geo. V. c. 43, s. 125.

Return by
D.R.O. when
election in-
terrupted.

Clerk to
cast up
votes and
declare
what candi-
dates
elected.

126. The clerk, after he has received the ballot papers and statements of the number of votes given at each polling place, without opening any of the sealed packets of ballot papers, shall cast up from the statements the number of votes for each candidate; and at the town hall, or if there is no town hall, at some other public place, at four o'clock in the afternoon in the case of a city having a population of not less than 100,000, and at noon in the case of other municipalities on the day following the return of the ballot papers and statements, shall publicly declare to be elected the candidate or candidates having the highest number of votes; and he shall also put up in some conspicuous place a statement under his hand showing the number of votes for each candidate. 3-4 Geo. V. c. 43, s. 126.

In case of a
tie clerk to
have a cast-
ing vote.

127. If, upon the casting up of the votes or upon a recount, two or more candidates have an equal number of votes, the clerk, or other person appointed by by-law to discharge the duties of clerk, whether otherwise qualified or not, shall, at the time he declares the result of the poll, or after receiving the certificate of the result of the recount, as the case may be, give a vote for one or more of such candidates, so as to decide the election. 3-4 Geo. V, c. 43, s. 127.

Case of Election not held at Proper Time, etc.

Election
not com-
menced, or
interrupted
by reason of
riot, etc., to
be resumed.

128. If, by reason of a riot or other emergency, an election, or the voting at a polling place, is not commenced on the proper day, or is interrupted after being commenced and before the lawful closing thereof, the returning officer, or deputy returning officer, as the case may be, shall hold or resume the election on the following day at the hour of nine o'clock in the forenoon, and continue the same from day to day until a fair opportunity for nominating candidates has been given or, in the case of polling, until the poll has been opened without interruption and with free access to voters for eight hours in all. 3-4 Geo. V, c. 43, s. 128.

[As to postponement of an election on account of an epidemic or contagious disease, see *The Public Health Act, Rev. Stat. c. 218, s. 115.*]

Recount.

Recount of
votes by
County
Judge,
where bal-
lot papers
have been
improperly
counted or
rejected.

129.—(1) If, within fourteen days after the declaration by the clerk of the result of the election, upon the application of a candidate or voter it is made to appear by affidavit to a Judge of the county or district court of the county or district in which the municipality is situate, that a deputy returning officer, in counting the votes has improperly

counted or rejected any ballot paper, or made an incorrect statement of the number of ballots cast for any candidate, and if within that time the applicant deposits with the clerk \$25 as security for the costs in connection with the recount of the candidate declared to be elected, or if at any time within four weeks after such declaration in a city having a population of not less than 100,000, the council has by resolution declared that a recount is desirable in the public interest, the Judge may appoint a time and place to recount the votes.

(2) At least two days' notice in writing of the time and place appointed shall be given to the candidates and to the clerk, and the clerk shall attend the recount with the ballot boxes and all documents relating to the election. Notice to candidates.

(3) The Judge, the clerk, and each candidate and his agent appointed to attend the recount, but no other person except with the sanction of the Judge, shall be entitled to be present at the recount. Who may be present at recount.

(4) At the time and place appointed, the Judge shall recount all the ballot papers received by the clerk, and shall in the presence of such of the persons entitled to be present as attend, open the sealed packets containing the used ballot papers which were not objected to and were counted; the ballot papers objected to, but which were counted; the rejected ballot papers; the cancelled ballot papers; and the unused ballot papers. Opening of packets.

(5) The Judge shall, as far as practicable, proceed continuously, allowing only time for refreshment and excluding except so far as he and the persons present agree, the hours between six o'clock in the afternoon and nine o'clock in the succeeding forenoon, and during the excluded time the Judge shall place the ballot papers and other documents relating to the election close under his own seal, and the seals of such of the persons present as desire to affix their seals, and shall otherwise take all necessary precautions for the security of them. Recount to be a continuous proceeding.

(6) Subject to subsection 7 the Judge shall proceed according to the provisions for the counting of the ballot papers at the close of the poll by a deputy returning officer, and shall verify and correct the statement of the poll. Rules to govern Judge in proceedings.

(7) If for any reason it appears desirable to do so, the Judge upon the application of any party to the proceeding may hear such evidence as he may deem necessary for the purpose of making a full and proper recount of the ballot papers. Evidence may be taken.

Certificate
of Judge as
to result.

(8) Upon the completion of the recount the Judge shall seal up all the ballot papers in their separate packets, and shall forthwith certify the result to the clerk, who shall then declare elected the candidate having the highest number of votes.

Existing
remedies
not affected.

(9) Nothing in this section shall effect any remedy which any person may have under the provisions hereinafter contained by proceedings in the nature of *quo warranto* or otherwise. 3-4 Geo. V, c. 43, s. 129.

Costs.

130.—(1) The costs of the recount shall be in the discretion of the Judge, who may order by whom, to whom, and in what manner the same shall be paid.

Taxing of.

(2) The Clerk of the County or District Court shall tax the costs and shall, as nearly as may be, follow the tariff of costs of the County Court.

Deposit,
disposal of.

(3) Where costs are directed to be paid by the applicant, the money deposited as security for costs shall be paid out to the party entitled to such costs, so far as necessary.

Recovery
of costs.

(4) Payment of the costs may be enforced by execution, to be issued from any County or District Court, upon filing therein the order of the Judge and a certificate showing the amount at which the costs were taxed and an affidavit of the non-payment of them. 3-4 Geo. V, c. 43, s. 130.

Secrecy of Proceedings.

Maintaining
secrecy of
proceed-
ings.

131.—(1) Every person in attendance at a polling place or at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting.

Interfer-
ence with
voters.

(2) No person shall interfere or attempt to interfere with a voter when marking his ballot paper, or obtain or attempt to obtain at the polling place information as to how a voter is about to vote or has voted.

Communi-
cating in-
formation
as to how
voter has
voted.

(3) No person shall communicate any information obtained at a polling place as to how a voter at such polling place is about to vote or has voted. 3-4 Geo. V, c. 43, s. 131.

Inducing
voter to
display
ballot after
marking.

132. No person shall, directly or indirectly, induce or attempt to induce a voter to show his ballot paper after he has marked it, so as to make known to any person how he has voted. 3-4 Geo. V, c. 43, s. 132.

133. Subject to section 109 a voter shall not show his ballot paper, when marked, to any person so as to make known how he voted. 3-4 Geo. V, c. 43, s. 133.

Voter not to display marked ballot.

134. Every returning officer and every officer, clerk, constable, agent and other person authorized to attend at a polling place, or at the counting of the votes, shall, before entering on his duties, take the oath of secrecy, Form 14. 3-4 Geo. V. c. 43, s. 134.

Oath of secrecy.

135.—(1) If a returning officer, deputy returning officer or poll clerk becomes aware, or has reason to believe or suspect, that any provision of the law as to secrecy has been violated, he shall forthwith communicate the particulars to the Crown Attorney.

Proceedings where officers aware of violation of secrecy.

(2) The Crown Attorney on receiving such information from any person, shall forthwith enquire into the matter and, if proper, prosecute the offender. 3-4 Geo. V, c. 43, s. 135.

Crown Attorney to prosecute.

136. No person who has voted at an election shall, in any legal proceeding to question the election or return, be required to state how or for whom he has voted. 3-4 Geo. V, c. 43, s. 136.

No one compellable to disclose his vote.

General.

137. Every returning officer, deputy returning officer, or other person whose duty it is to deliver poll books or who has the custody of a voters' list or poll book, who wilfully makes any alteration or insertion in or wilfully omits anything from or in any way wilfully falsifies such voters' list or poll book, shall incur a penalty of \$2,000, and shall also be liable to imprisonment for any term not exceeding one year. 3-4 Geo. V, c. 43, s. 137.

Returning officers, etc., wilfully falsifying or altering list of voters to incur penalty.

138. Every person who—

Offences relating to ballot papers.

- (a) Fraudulently alters, defaces or destroys a ballot paper or the initials of the deputy returning officer thereon; or
- (b) Without due authority supplies a ballot paper to any person; or
- (c) Fraudulently places in a ballot box a paper other than the ballot paper which he is authorized by law to place therein; or

- (d) Fraudulently delivers to the deputy returning officer to be placed in the ballot box any other paper than the ballot paper given to him by the deputy returning officer; or
- (e) Fraudulently takes a ballot paper out of the polling place; or
- (f) Without authority destroys, takes, opens, or otherwise interferes with a ballot box or book or packet of ballot papers or a ballot paper or ballot in use or used for the purposes of an election; or
- (g) Applies for a ballot paper in the name of another person whether the name be that of a person living or dead, or of a fictitious person, or having voted applies at the same election for a ballot paper in his own name or votes oftener than he is entitled to; or
- (h) Being a deputy returning officer, contravenes section 124, or fraudulently puts his initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election; or
- (i) With fraudulent intent, prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election; or
- (j) Being employed to print the ballot papers for an election, with fraudulent intent prints more ballot papers than he is authorized to print; or
- (k) Attempts to commit or aids, abets, counsels or procures the commission of any offence mentioned in this section;

if a returning officer, deputy returning officer or other officer engaged in the election, shall be liable to imprisonment for any term not exceeding two years, and, in the case of any other person, to imprisonment for any term not exceeding six months. 3-4 Geo. V, c. 43, s. 138.

Persons unlawfully destroying, etc., documents relating to elections, etc.

139.—(1) Every person who wilfully and maliciously destroys, injures or obliterates, or causes to be destroyed, injured or obliterated, a warrant for holding an election, a poll book, voters' list, certificate, affidavit, or other document or paper made, prepared or drawn according to or for the purpose of meeting the requirements of this Act or any of them, shall incur a penalty of \$2,000, and shall also be liable to imprisonment for any term not exceeding one year.

(2) Every person who aids, abets, counsels or procures the commission of a violation of subsection 1 shall incur the like penalty and be subject to the like imprisonment. Abettors punishable.

(3) The pecuniary penalty shall be recoverable by action at the suit of His Majesty, and the imprisonment may be directed by the court in which the action is brought. 3-4 Geo. V, c. 43, s. 139. Recovery of penalty.

140.—(1) Every deputy returning officer who wilfully omits to put his initials on the back of a ballot paper in use for the purposes of an election, shall incur a penalty of \$10 in respect of every such ballot paper. Penalty for D.R.O. omitting to initial ballots.

(2) A deputy returning officer or poll clerk who refuses or neglects to perform any of the duties imposed upon him by sections 115 to 123 shall, for each refusal or neglect, incur a penalty of \$200. 3-4 Geo. V, c. 43, s. 140. D.R.O. or poll clerk neglecting duties.

141. Every deputy returning officer or poll clerk who wilfully miscounts the ballots or otherwise makes up a false statement of the poll shall incur a penalty of \$200. 3-4 Geo. V, c. 43, s. 141. Wilfully miscounting ballots, etc.

142. Every person who acts in contravention of sections 131 to 133 shall be liable to imprisonment for any term not exceeding six months. 3-4 Geo. V, c. 43, s. 142. Penalty for violating secrecy.

143. Every officer engaged in the election who is guilty of a wilful act or omission in contravention of this Act shall in addition to any other penalty or liability to which he may be subject forfeit to any person who may be aggrieved thereby the sum of \$400. 3-4 Geo. V, c. 43, s. 143. Money penalty for offences.

Miscellaneous Provisions.

144. A candidate may undertake the duties which his agent might undertake, or he may assist his agent in the performance of such duties, and may be present at any place at which his agent is authorized to be present; but no candidate shall be present at the marking of a ballot paper under section 109. 3-4 Geo. V, c. 43, s. 144. Candidate may undertake duties of an agent.

145. Except where otherwise provided any oath required to be taken in connection with an election may be taken before the clerk of the municipality, a returning officer or a deputy returning officer, as well as before any other person by whom under *The Interpretation Act* an oath may be administered. 3-4 Geo. V, c. 43, s. 145. Who may administer oaths re election. Rev. Stat. c. 1.

Ballot
papers, how
disposed of.

146.—(1) The clerk shall retain in his possession for one month all the ballot papers, and, unless otherwise directed by an order of a Judge or officer having jurisdiction to enquire as to the validity of the election, shall then destroy them in the presence of two witnesses, who shall make a declaration that they witnessed the destruction of them.

(2) The declaration shall be made before the head of the municipality and filed in the office of the clerk. 3-4 Geo. V, c. 43, s. 146.

Ballot
papers to be
inspected
only by
order of a
Judge.

147.—(1) No person shall be allowed to inspect any ballot paper in the custody of the clerk except under the order of a Judge or an officer having jurisdiction to inquire as to the validity of the election.

Grounds
for grant-
ing order.

(2) The order may be made on the Judge or officer being satisfied by affidavit or other evidence that the inspection is required for the purpose of maintaining a prosecution for an offence in relation to ballot papers, or of taking proceedings for contesting the election or return.

Order may
be subject
to condi-
tions.

(3) The order may be made subject to such conditions as the Judge or officer may deem proper. 3-4 Geo. V, c. 43, s. 147.

Production
of docu-
ments and
indorse-
ments on
ballot
papers
evidence
for certain
purposes.

148. Where an order is made for the production by the clerk of any document in his possession relating to an election, the production of it by him in such manner as may be directed by the order shall be evidence that the document relates to the election; and any indorsement appearing on any packet of ballot papers so produced shall be evidence that the contents are what they are stated to be by the indorsement. 3-4 Geo. V, c. 43, s. 148.

Expressions
referring
to agents.

149. Where in this Part expressions are used, requiring or authorizing any act or thing to be done, or implying that any act or thing is to be done in the presence of the agents of the candidate, they shall be deemed to refer to the presence of such agents of the candidates as are authorized to attend, and as have in fact attended, at the time and place where such act or thing is being done; and the non-attendance of an agent at such time and place, if it is otherwise duly done, shall not invalidate the act or thing done. 3-4 Geo. V, c. 43, s. 149.

Non-attend-
ance of
agents.

No election
to be invalid
for want of
compliance
with pro-
visions of
Act where
principles
followed
and result
not affected.

150. No election shall be or be declared to be invalid—

(a) For non-compliance with the provisions of this Act as to the taking of the poll or anything preliminary thereto or as to the counting of the votes; or

- (b) By reason of mistake in the use of the prescribed forms; or
- (c) By reason of any mistake or irregularity in the proceedings at or in relation to the election.

if it appears to the tribunal by which the validity of the election or any proceeding in relation to it is to be determined that the election was conducted in accordance with the principles laid down in this Act, and it does not appear that such non-compliance, mistake or irregularity affected the result of the election. 3-4 Geo. V, c. 43, s. 150.

151. The reasonable expenses incurred by a clerk or any other officer for printing, providing ballot boxes, ballot papers, materials for marking ballot papers, and balloting compartments, and for the transmission of packets, and reasonable fees and allowances for services rendered under this Part, shall be paid to the clerk by the treasurer, and shall be paid by the clerk to the persons entitled thereto. 3-4 Geo. V. c. 43, s. 151.

Expenses incurred by officers to be repaid to them.

Vacancies in Council.

152. The seat of member of a council shall become vacant if he—

- (a) Is undergoing imprisonment under sentence for a criminal offence; or
- (b) Becomes insolvent within the meaning of any Insolvent Act in force in Ontario; or
- (c) Is in close custody under *The Fraudulent Debtors Arrest Act* or is discharged from close custody under section 53 of that Act; or
- (d) Assigns his property for the benefit of his creditors; or
- (e) Absents himself from the meetings of the council for three successive months without being authorized so to do by a resolution of the council entered upon its minutes

Seat to become vacant by crime, insolvency, absence, etc. See Mearns vs. Petrolia, 1880, 28, Grant 98.

Rev. Stat. c. 82.

and the council shall forthwith declare the seat to be vacant. 3-4 Geo. V. c. 43, s. 152.

Proceedings.
If disqualified
member
fails to
resign.

153. Except in the cases provided for by section 152, if a member of a council forfeits his seat or his right to it or becomes disqualified to hold it and does not forthwith resign his seat, proceedings may be taken under sections 160 to 179 to declare it vacant. 3-4 Geo. V. c. 43, s. 153.

Resignation
of member
with consent
of council.

154. A member of a council, with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the council. 3-4 Geo. V. c. 43, s. 154.

Resignation
of warden.

155.—(1) The warden of a county may resign his office either by verbal intimation to the county council when in session or by letter to the clerk when the council is not in session.

Vacancy in
office of
warden—
how filled.

(2) Where from any cause a vacancy occurs in the office of warden when the council is not in session, the clerk shall forthwith notify the members of the vacancy, and if required in writing so to do by a majority of them, he shall call a special meeting of the council to fill the vacancy. 3-4 Geo. V. c. 43, s. 155.

When new
election to
be held.
See Banks
v. Letherby,
17 O.L.R.
304.

156.—(1) Subject to sections 157 and 158, a new election shall be forthwith held where—

- (a) A person elected has neglected or refused to accept office or to make the prescribed declarations within the prescribed time; or
- (b) A vacancy, except in the office of controller, occurs from any cause.

Warrant
for new
election.

(2) Where a new election is to be held the head of the council, or if he is absent or unable to act or there is a vacancy in the office, the clerk, or if they are both absent or unable to act or both offices are vacant, one of the members of the council shall forthwith issue a warrant under his hand for the holding of the new election.

Returning
and deputy
returning
officers—
nomination
and polling.

(3) The returning officer and the deputy returning officers appointed to hold the next preceding election shall be the returning officer and the deputy returning officers to hold the new election, and the nomination shall be held and the polling shall take place at the respective places at which the nomination was held and the polling took place at such last election, unless the council appoints other persons to hold the election and other places at which the nomination shall be held and the polling take place, which the council may do.

(4) Where a new election becomes necessary before the first meeting of the council in the year for which it is elected the duties which by subsection 2 are to be performed by the head clerk, or a member of the council shall be performed by the head clerk, or a member of the council of the next preceding year.

Procedure where new election before first meeting of council.

(5) The new election shall be held at the latest within fifteen days after the receipt of the warrant by the person to whom it is directed, and the person issuing the warrant shall appoint a time for the nomination of candidates and for the polling if a poll is required, and the election shall be conducted in like manner as an annual election.

Time for holding election.

(6) The person elected shall hold office for the residue of the term for which the person whose place he is elected to fill was elected.

Term of office of members elected.

(7) Notwithstanding that a new election becomes necessary meetings of the council may be held if a majority of the full number of the council is present. 3-4 Geo. V. c. 43, s. 156.

Majority of council may hold first meeting.

157.—(1) Where a vacancy occurs in the office of alderman in a city where aldermen are elected by general vote, the unsuccessful candidate who received the highest number of votes at the next preceding election shall be entitled to the office upon making the prescribed declarations within the prescribed time, and if he fails to do so or disclaims the office one of the candidates following in regular order according to the number of votes received shall, as hereinafter provided, become entitled to the office on making such declarations within the prescribed time.

Vacancies in office of alderman in cities where election is by general vote.

(2) Where the number of votes cast for two or more of such candidates is equal, their order of succession shall be determined by the amounts for which they are respectively rated upon the last revised assessment roll, the candidate having the largest assessment having the priority.

Candidate having largest assessment to have priority in case of a tie.

(3) The clerk shall immediately after the vacancy occurs give notice in writing to the candidate who is first in succession that he is entitled to such vacant office if he makes the prescribed declarations within one week after the giving of the notice, and that if he fails to make the declarations within that time he shall be deemed to have disclaimed the office.

Notice of vacancy.

(4) If a candidate fails to make the prescribed declarations within the prescribed time, or disclaims the office, the clerk shall forthwith give notice in writing to the candidate next

Failure to take prescribed declarations.

in succession in the same terms as the notice to the first candidate, until the vacant office has been filled or the list of candidates entitled to take it is exhausted.

Service of
notice on
candidate.

(5) The notice may be served personally or may be sent by registered letter addressed to the candidate, and a record of the service or of the mailing and of the address shall be preserved by the clerk.

When
council to
elect person
to fill
vacancy.

(6) If all the aldermen were elected by acclamation, or if no candidate takes the vacant office under the preceding provisions of this section, the council shall forthwith elect a person to fill the vacancy for the remainder of the term of the member whose seat has become vacant. 3-4 Geo. V. c. 43, s. 157.

Vacancy in
office of
mayor of
city after
July 1st.

158.—(1) Where the office of mayor of a city becomes vacant after the first day of July in any year and an election to fill the vacancy has not been ordered in a judicial proceeding, the council shall elect one of their number to fill the office for the remainder of the term.

In office
of mayor,
reeve or
deputy
reeve in
towns and
villages.

(2) Where the office of mayor, reeve or deputy reeve of a town or of reeve or deputy reeve of a village or township becomes vacant after the first day of November in any year, and an election to fill the vacancy has not been ordered in a judicial proceeding, the council may elect one of its number to fill the office for the remainder of the term.

When
vacancy
need not
be filled.

(3) Where a vacancy occurs in the office of alderman where aldermen are not elected by general vote or of councillor after the first day of November in any year and an election has not been ordered in a judicial proceeding it shall not be necessary that the vacancy be filled if the council so directs. 3-4 Geo. V. c. 43, s. 158.

Case where
electors fail
to elect
requisite
number of
members.

159. Where the electors do not elect the requisite number of members, the members elected if they equal at least one-half of the council when complete or a majority of them or if half of such members were not elected the members for the next preceding year or a majority of them shall elect as many qualified persons as are necessary to constitute or complete the requisite number of members. 3-4 Geo. V. c. 43, s. 159.

PART IV.

PROCEEDINGS TO DECLARE SEAT VACANT.

*Procedure.*Interpre-
tation.**160.** In this Part,—

- (a) "Judge" unless the Court is referred to by name "Judge," shall include a Judge of the Supreme Court and a Judge of a County or District Court;
- (b) "Master in Chambers" shall include any officer having jurisdiction to sit and act for the Master in Chambers. 3-4 Geo. V. c. 43, s. 160.

161.—(1) The validity of the election of a member of a council or his right to hold his seat, or the right of a local municipality to a deputy reeve, may be tried and determined by a Judge of the Supreme Court, by the Master in Chambers, or by a Judge of the County or District Court of the county or district in which the municipality is situate. 3-4 Geo. V. c. 43, s. 161 (1).

Who may
try validity
of election
or right
to deputy
reeve.

(2) Where the right of a municipality to a deputy reeve is contested any municipal elector in the county or where the validity of the election is contested, any candidate at the election or an elector who gave or tendered his vote at it, or where the election was by acclamation, or the right to sit is contested on the ground that the member has become disqualified or has forfeited his seat since his election, an elector entitled to vote at the election may be the relator. 3-4 Geo. V. c. 43, s. 161 (2); 4 Geo. V. c. 33, s. 5.

Relator—
where right
to deputy
reeve con-
tested.

162.—(1) If within six weeks after an election, or one month after the acceptance of office by a member of a council a person entitled to be a relator shows by affidavit reasonable ground for supposing that the election was not legal, or was not conducted according to law, or that the person declared elected was not duly elected, or for contesting the validity of the election, or if within six weeks after the facts come to the knowledge of a person entitled to be a relator he shows by affidavit reasonable ground for supposing that a member of a council has forfeited his seat or become disqualified since his election, the Judge or the Master in Chambers, as the case may be, shall give his fiat, authorizing the relator, upon entering into a recognizance as hereinafter provided, and the same being allowed as sufficient, to serve a notice of motion to determine the matter.

Time within
which pro-
ceedings to
be insti-
tuted and
security
and proof
required.

Recogniz-
ance.

(2) The recognizance shall be entered into before the Judge or Master in Chambers granting the fiat or before a commissioner for taking affidavits, by the relator in the sum of \$200 and by two sureties, to be allowed as sufficient by the Judge or Master in Chambers upon affidavit of justification, each in the sum of \$100; and shall be conditioned to prosecute the motion with effect and to pay to the person against whom it is made any costs which may be adjudged to him against the relator.

Allowance
of recogniz-
ance.

(3) When the recognizance has been allowed as sufficient, the Judge or Master in Chambers by whom it is allowed shall note upon it and upon the fiat allowing service of the notice of motion, the words "*Recognizance allowed*" and shall initial the same.

Proceedings
—how to be
entitled.

(4) Where the proceedings are taken before a Judge of the Supreme Court or before the Master in Chambers they shall be entitled in the Supreme Court; and where they are taken before a Judge of a County or District Court they shall be entitled in that Court. 3-4 Geo. V. c. 43, s. 162.

Contents
of notice
of motion.

163. The relator in his notice of motion shall set forth his name in full, his occupation and place of residence, and the interest which he has in the election, whether as candidate or as an elector, and shall state specifically under distinct heads all the grounds of objection to the validity of the election complained of, and in favour of the validity of the election of himself or of any other person, where the relator claims that he or that such persons was duly elected, or the grounds of forfeiture or disqualification, as the case may be. 3-4 Geo. V. c. 43, s. 163.

Affidavits,
etc., to be
filed.

164. Before serving the notice of motion, the relator shall file all the affidavits and material upon which he intends to move, except where oral evidence is to be taken, and in that case he shall name in the notice the witnesses whom he proposes to examine. 3-4 Geo. V. c. 43, s. 164.

Service of
notice of
motion.

165. The notice of motion shall be served within two weeks from the date of the fiat, unless upon a motion to allow substituted service the Judge or Master in Chambers otherwise orders, and not less than seven clear days before the day on which the motion is returnable, and shall be served personally, unless the person to be served avoids personal service, in which case an order may be made for substituted service. 3-4 Geo. V. c. 43, s. 165.

Where
relator
claims that
he or
another was
elected.

166. Where the relator alleges that he or some other person was duly elected, the motion shall be to try the validity of the election complained of and of the alleged election of the relator or other person. 3-4 Geo. V. c. 43, s. 166.

167. Where the grounds of objection apply to two or more persons elected or sitting as members of a council, the relator may proceed by one motion against all of them. 3-4 Geo. V. c. 43, s. 167. One motion against several persons.

168. On the hearing of the motion the relator shall not be allowed to object to the election of the person complained of or to support the election of himself or of any person alleged to have been duly elected or to attack the right of any member to sit on any ground not specified in the notice of motion; but the Judge or the Master in Chambers may entertain any substantial ground of objection to or in support of the validity of the election of either or any of the parties which may appear in evidence before him. 3-4 Geo. V. c. 43, s. 168. Hearing of motion.

169. Where more motions than one are made to try the validity of the election, or the right to sit of the same person, all of them shall be made returnable, and unless otherwise directed by a Judge of the Supreme Court, shall be heard and determined by the Judge or Master in Chambers before whom the motion, notice of which was first served, is returnable, and one order upon all, or a separate order upon one or more of them may be made, as he may deem proper. 3-4 Geo. V. c. 43, s. 169. Who to hear motions when more than one.

170. The Judge or Master in Chambers may require the clerk of any municipality to produce before him or to forward under seal to the clerk of the county or district court for the purpose of production, such assessment rolls, collector's rolls, ballot papers, books, voters' and other lists, and other records of the election and papers in his hands connected with or relating to it as the Judge or Master in Chambers may deem proper. 3-4 Geo. V. c. 43, s. 170. Requiring clerk to attend with rolls, voters' lists, etc.

171. Where the motion is returnable before a Judge of the Supreme Court he may direct that the evidence to be used on the hearing of the motion be taken orally in the presence of counsel for or after notice to all parties interested before a special examiner or a Judge of a County or District Court, who shall return the evidence so taken to the proper officer of the Supreme Court. 3-4 Geo. V. c. 43, s. 171. Taking of evidence to be used on motion.

172.—(1) The Judge or Master in Chambers, at any stage of the proceedings, may— Returning officer, etc., may be made a party.

(a) Add the returning officer or any deputy returning officer or other person as a party to the proceedings.

(b) Allow any person entitled to be a relator to intervene and prosecute, or to defend, and may grant a reasonable time for that purpose. Person entitled to be a relator may prosecute or defend.

Costs.

(2) An intervening party shall be liable for or entitled to costs like any other party to the proceedings. 3-4 Geo. V. c. 43, s. 172.

Mode of trial.

173.—(1) The Judge or Master in Chambers shall, in a summary manner, without formal pleadings, hear and determine the questions raised by or upon the motion, and, subject to subsection 2, may inquire into the facts on affidavit, by oral testimony, or by an issue framed by him and sent to be tried by a jury in any Court named by him, or by one or more of those means.

Evidence of corrupt practice to be taken orally.

(2) Where a question is raised as to whether the candidate or any voter has been guilty of any violation of sections 187 to 189, affidavit evidence shall not be used to prove the offence, but it shall be proved by oral evidence taken before the Judge or before a special examiner or a Judge of a County or District Court, upon an order of reference to him for that purpose by the Judge of the Supreme Court, if the motion is returnable before a Judge of the Supreme Court, or before the Master in Chambers or the Judge of the County or District Court if the motion is returnable before him.

Striking off votes.

(3) Where the seat is claimed for any person, if a candidate is proved to have been guilty, himself or by any person on his behalf, of bribery or of a corrupt practice with respect to a voter who voted at the election, or if a voter, who is employed on behalf of such candidate and is disqualified under subsection 1 of section 61, is proved to have voted, there shall be struck off the number of votes given for such candidate one vote for every such voter. 3-4 Geo. V. c. 43, s. 173.

If election invalid, order for removal from office of person unduly elected, etc.

174.—(1) Where the election complained of is adjudged to be invalid, the order shall provide that the person found not to have been duly elected be removed from the office, and if it is determined that any other person was duly elected that he be admitted forthwith to the office.

Order for new election.

(2) Where it is determined that no other person was duly elected, or that a person duly elected has become disqualified or has forfeited his seat, the order shall provide for the removal from office of such last mentioned person and, except as provided by section 157, for the holding of a new election. 3-4 Geo. V. c. 43, s. 174.

175. Where the election of all the members of a council is adjudged to be invalid, or where it is determined that all of them have become disqualified or have forfeited their seats, the order for their removal, and for the election of new members in their places or for the admission of others adjudged to be legally elected, and for an election to fill the remaining seats in the council, shall be directed to the clerk of the Municipality or where there is no clerk to the sheriff of the county or district in which the municipality is situate, who shall have all the powers for causing the election to be held which a municipal council or any member or officer of it has in order to fill a vacancy in it. 3-4 Geo. V. c. 43, s. 175.

Order for new election to be directed to sheriff.

176.—(1) Where an election is adjudged to be invalid owing to the improper refusal of the returning officer or of a deputy returning officer to receive a ballot paper tendered by or to give a ballot paper to an elector, or owing to such officer having put into the ballot box a ballot paper which was not lawfully received from an elector, the Judge or Master in Chambers may order that the costs of the proceedings to unseat the person declared elected, or any part of them, be paid by such returning officer or deputy returning officer.

Where election declared invalid owing to refusal to permit qualified persons to vote.

(2) Nothing in this section shall affect any right of action against the returning officer or deputy returning officer or relieve him from any penalty to which he may be liable under this Act. 3-4 Geo. V. c. 43, s. 176.

Right of action against officers preserved.

177.—(1) After the adjudication an order shall be drawn up, stating concisely the ground and effect of the decision.

Order.

(2) The order may be at any time amended by the Judge or Master in Chambers in any matter of form, and shall have the same force and effect as a writ of mandamus formerly had in the like case. 3-4 Geo. V. c. 43, s. 177.

Amendment of order.

178. The Judge or Master in Chambers forthwith after rendering his decision shall return the same with all things had before him touching the proceeding, to the proper officer of the Court, there to remain of record as a judgment of the Court; and the judgment may be forced for the costs awarded by execution and in other respects in the same manner as an order of mandamus. 3-4 Geo. V. c. 43, s. 178.

Judgment to be returned to proper officer of court.

179.—(1) The decision of a Judge of the Supreme Court shall be final, but an appeal shall lie from the decision or order of the Master in Chambers or of a Judge of a County or District Court to a Judge of the Supreme Court whose decision shall be final.

Appeals from Master in Chambers or County Judge.

Procedure
on appeal.

(2) The practice and procedure on and in relation to the appeal shall be the same, as nearly as may be, as in the case of an appeal from a decision of the Master in Chambers in an action or proceeding in the Supreme Court. 3-4 Geo. V. c. 43, s. 179.

Disqualifi-
cation of
candidate
guilty of
corrupt
practice.

180.—(1) A candidate elected who is found to have been guilty of bribery, or of a corrupt practice, shall forfeit his seat, and shall be ineligible as a candidate at any election for two years thereafter.

Report to
be made
to clerk.

(2) The Judge or Master in Chambers shall report to the Clerk of the Municipality in which the offence was committed the name of every candidate who has been so found guilty, and the clerk shall enter his name in a book to be kept for that purpose. 3-4 Geo. V. c. 43, s. 180.

Disclaimer.

Disclaimer
before
election
complained
of.

181.—(1) Any person elected may at any time after the election, and before it is complained of, deliver to the clerk of the municipality a disclaimer signed by him, to the effect following:

" I, A.B., hereby disclaim all right to the office of
for the _____ *of*
district) of _____ *, in the county (or*
may have to the same. _____ *, and all defence of any right I*
Dated _____ *day of* _____ *, 19*
A.B."

3-4 Geo. V. c. 43, s. 181.

When
defendant
may dis-
claim.

182. A person whose election is complained of, unless it is complained of on the ground of bribery or corrupt practices on his part, or a person whose seat is attacked on the ground that he has become disqualified or has forfeited his seat, may, within one week after service on him of the notice of motion, transmit by registered post, or deliver, if the proceedings are in the Supreme Court, to the Clerk in Chambers, at Osgoode Hall, Toronto, or if the proceedings are in a County or District Court to the Judge of that Court, and to the relator or his solicitor, a disclaimer signed by him to the effect following:—

" I, A.B., upon whom a notice of motion, in the nature of a *quo warranto* has been served for the purpose of contesting my right to the office of _____ for the _____ of _____, in the county (or district) of _____, hereby disclaim the said office, and all defence of any right I may have to the same.

Dated _____ day of _____, 19 ____
A.B."

3-4 Geo. V. c. 43, s. 182.

183. A person disclaiming shall deliver a duplicate of his disclaimer to the clerk of the municipality, and the clerk shall forthwith communicate it to the council. 3-4 Geo. V. c. 43, s. 183. Duplicate of disclaimer to be delivered to clerk.

184.—(1) A disclaimer in accordance with section 181 or 182 shall operate as a resignation. Disclaimer to operate as resignation.

(2) A disclaimer in accordance with section 181 shall relieve the person making it from all liability for costs. Costs.

(3) Costs shall not be awarded against a person disclaiming under section 182, unless he consented to his nomination or accepted the office. 3-4 Geo. V. c. 43, s. 184. When costs not to be awarded.

Rules of Practice.

185. The Judges of the Supreme Court may make rules regulating the practice and procedure in relation to proceedings under this Part, including the costs of and incidental to them, and as to matters not provided for in it, or by Rules of Court, the practice and procedure of the Supreme Court shall be applicable. 3-4 Geo. V. c. 43, s. 185. Judges to make rules, etc.

186. Proceedings for the removal from office of a person whose election is alleged to have been undue or illegal, or who is alleged not to have been duly elected, whether or not the seat is claimed by or on behalf of the relator or any other person, and proceedings to have the right of a person to sit in a council determined shall be had and taken under the provisions of this Part and not by *quo warranto* proceedings or by an action in any court. 3-4 Geo. V. c. 43, s. 186. Procedure substituted for quo warranto proceedings.

PART V.

BRIBERY AND CORRUPT PRACTICES

Bribery—
who guilty
of.

Bribing
voter or
procuring
bribery by
money.

187.—(1) Every person who:—

(a) Directly or indirectly, himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers or promises any money or valuable consideration, or promises to procure, or to endeavour to procure any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote, or refrain from voting or corruptly does any such act on account of any voter having voted or refrained from voting at an election; or

By gift or
offer or
promise of
employ-
ment.

(b) Directly or indirectly, himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers or promises any office, place or employment, or promises to procure or to endeavour to procure any office, place or employment to or for any voter, or to or for any other person in order to induce any voter to vote, or refrain from voting or corruptly does any such act on account of any voter having voted or refrained from voting at an election; or

To induce
anyone to
procure
return of
candidate
or endeavour
to procure.

(c) Directly or indirectly, himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement, to or for any person, in order to induce such person to procure or endeavour to procure the return of any candidate, or the vote of any voter at an election; or

Receiving
bribe to pro-
cure return
of candidate.

(d) Upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure the return of any candidate, or the vote of any voter at an election; or

Advancing
money to
be spent in
corrupt
practices.

(e) Advances or pays, or causes to be paid, money to or to the use of any other person, with the intent that such money or any part of it shall be ex-

pendent in corrupt practices at an election, or who knowingly pays or causes to be paid money to any person in discharge or repayment of money wholly or in part expended in corrupt practices at an election; or

- (f) Directly or indirectly, himself or by any other person on his behalf, on account of, and as payment for voting or for having voted, or for illegally agreeing or having agreed to vote for any candidate at an election, or on account of, and as payment for having illegally assisted or agreed to assist any candidate at an election, applies to such candidate, or to his agent, for the gift or loan of any money or valuable consideration, or for the promise of the gift or loan of any money or valuable consideration, or for any office, place or employment, or the promise of any office, place or employment; or Applying for money or employment in consideration of voting.
- (g) Before or during an election, directly or indirectly, himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at an election; or Receiving money, money, office, etc., for having voted.
- (h) After an election, directly or indirectly, himself or by any other person on his behalf, receives any money or valuable consideration for having voted or refrained from voting, or for having induced any other person to vote or refrain from voting at an election; or Receiving money corruptly after election.
- (i) In order to induce a person to allow himself to be nominated as a candidate, or to refrain from becoming a candidate, or to withdraw if he has become a candidate, gives or procures any office, place or employment, or agrees to give or procure or offers or promises to procure, or endeavours to procure any office, place or employment for such person, or for any other person, Giving or promising office to candidate to stand or withdraw.

shall be guilty of bribery, shall be disqualified from voting at any election for two years, and shall incur a penalty of \$200, and shall also be liable to imprisonment for any term not exceeding six months. Penalty.

Personal
expenses of
candidates.

(2) The actual personal expenses of a candidate, his reasonable expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising and other lawful and reasonable expenses in connection with the election, incurred by the candidate or any agent in good faith and without any corrupt intent, shall be deemed to be expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act. 3-4 Geo. V. c. 43, s. 187.

Conveying
voters to
poll.

188.—(1) A candidate who himself or by any other person on his behalf and every other person who:—

(a) Hires or promises to pay or pays for a conveyance to carry a voter to or near or from or on the way to or from a polling place; or

(b) Pays the travelling or other expenses of a voter in going to or returning from a polling place;

and every person who for a valuable consideration provides or furnishes a conveyance knowing that it is to be used to carry a voter other than the hirer to, or near, or from, or on the way to or from a polling place shall be guilty of a corrupt practice and shall incur a penalty of \$100, and, if a voter, shall be disqualified from voting at the election; but this subsection shall not apply to the carrying of voters to the poll in a conveyance used by the candidate personally on polling day.

Furnishing
transporta-
tion to
voters.

(2) Every person who provides or furnishes transportation free of charge or at a diminished rate to a voter to, or near, or from, or on the way to or from a polling place, and whether passes or tickets or the like are or are not supplied, shall be guilty of a corrupt practice and shall incur a penalty of \$100, and, if a voter, shall be disqualified from voting at the election.

“Convey-
ance,”
meaning of.

(3) “Conveyance,” for the purposes of this section, shall include a horse, team, carriage, cab, vehicle, boat or vessel. 3-4 Geo. V. c. 43, s. 188.

Undue
influence.

189.—(1) Every person who, directly or indirectly, himself, or by any other person on his behalf, uses or threatens to use force, violence, or restraint, or inflicts or threatens to inflict injury, damage, harm or loss, or in any manner practises intimidation upon or against a voter in order to induce or compel him to vote, or refrain from voting, or on account of his having voted or refrained from voting, or who, by abduction, duress, or false or fraudulent pretence, device or

contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of a voter, or thereby compels, induces or prevails upon a voter to vote or refrain from voting, shall be guilty of a corrupt practice and shall be disqualified from voting for two years and shall incur a penalty of \$200, and shall also be liable to imprisonment for any term not exceeding one year. Penalty.

(2) It shall be a false pretence within the meaning of this section to represent to a voter, directly or indirectly, that the ballot to be used, or the mode of voting at an election, is not secret. Pretence that ballot not secret. 3-4 Geo. V. c. 43, s. 189.

190. The clerk shall furnish every deputy returning officer with at least two copies of sections 187 to 189, and the deputy returning officer shall post the same in conspicuous places at the polling place. Posting of provisions as to corrupt practices. 3-4 Geo. V. c. 43, s. 190.

191.—(1) No person shall be excused from answering any question put to him in an action or proceeding touching or concerning an election, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or on the ground that the answer will tend to criminate him, or subject him to any penalty under this Act. Witnesses not excused from answering on grounds of privilege, etc.

(2) No answer given by any person claiming to be excused on the ground of privilege, or on the ground that such answer will tend to criminate him or subject him to any penalty under this Act, shall be used in any proceeding thereunder against such person, if the Judge or officer before whom he is examined gives to the witness a certificate that he claimed the right to be excused on either of such grounds, and made full and true answer, to the satisfaction of the Judge. Answers of witness not to be used against him if Judge gives certificate. 3-4 Geo. V. c. 43, s. 191.

When no penalty recoverable.

192. No pecuniary penalty shall be recoverable for bribery or a corrupt practice if it appears that the person charged and another person or other persons were together guilty of the act charged, either as giver and receiver, or as accomplices or otherwise, and that the person charged has previously *bona fide* prosecuted such other person or persons or any of them for the offence; but this provision shall not apply if the Judge before whom the person claiming the benefit of it is charged, certifies that it clearly appears to him that the person so charged took the first step towards the commission of the offence, and that he was in fact the principal offender. When penalty for corrupt practice not to be recoverable. 3-4 Geo. V. c. 43, s. 192.

PART VI.

MEETINGS OF MUNICIPAL COUNCILS.

First Meeting of Council.

First meet-
ing of
council.

193.—(1) The first meeting of every council, except a county council, shall be held on the second Monday in January of the year for which the council is elected, at eleven o'clock in the forenoon; and the first meeting of every county council shall be held on the fourth Tuesday of the same month, at two o'clock in the afternoon, but the council of any county may, by by-law, provide that the first meeting shall be held at half-past seven o'clock in the evening instead of two o'clock in the afternoon. 3-4 Geo. V. c. 43, s. 193 (1); 7 Geo. V. c. 42, s. 1.

Declarations
of office
before
business.

(2) No business shall be proceeded with at the first meeting until after the declarations of office and qualification have been made by all the members who present themselves for that purpose.

When coun-
cil deemed
organized.

(3) A council shall be deemed to be organized within the meaning of this Act when the declarations of office and qualification have been made by a majority of the members, and it may be organized and business may be proceeded with notwithstanding the failure of any of the other members to make such declarations. 3-4 Geo. V. c. 43, s. 193.

Certificate
of election.

194. A member of a county council shall not take his seat until he has filed with the clerk of the county council a certificate, Form 15, under the hand of the clerk of the municipality for which he was elected and the seal of the corporation. 3-4 Geo. V. c. 43, s. 194.

Warden,
election of.

195.—(1) In each year at the first meeting of a county council at which a majority of all the members is present they shall organize as a council and elect one of the members to be warden.

Clerk to
preside.

(2) The clerk shall preside, or if there is no clerk the members present shall select a member to preside, and the person so elected may vote as a member.

Conduct of
election.

(3) Subject to subsection 4 and to section 206 the warden shall be elected in the manner provided by resolution of the council passed prior to the election.

(4) In case of an equality of votes the reeve, or in his absence the deputy reeve, or if there are more deputy reeves than one, the first deputy reeve, of the municipality which for the preceding year had the largest equalized assessment, shall have a second or casting vote. 3-4 Geo. V. c. 43, s. 195.

Case of
equality
of votes.

Place of Meeting.

196. The first meeting of a county council shall be held at the county hall if there is one, and if there is none, at the court house. 3-4 Geo. V, c. 43, s. 196.

Place of first
meeting
of county
council.

197. The subsequent meetings of the county council, and all meetings of every other council shall be held at such place as the council from time to time appoints. 3-4 Geo. V. c. 43, s. 197.

Subsequent
meetings.

198.—(1) The council of a county in which an urban municipality lies may hold its meetings, keep its public offices and transact all the business of the corporation and of its officers and servants within such municipality, and may acquire or rent and hold such real estate therein and erect such buildings thereon as may be convenient for such purpose.

Location of
county and
township
offices.

(2) The council of a township shall have the like power in respect of an adjacent urban municipality or township in the same county. 3-4 Geo. V, c. 43, s. 198.

199.—(1) The ordinary meetings of every council shall be open, and no person shall be excluded therefrom except for improper conduct.

Ordinary
meetings
to be open.

(2) The head or other presiding officer may expel or exclude from any meeting any person who has been guilty of improper conduct at such meeting. 3-4 Geo. V. c. 43, s. 199.

Exclusion
of certain
persons.

200.—(1) A majority of the whole number of members required to constitute a council shall be necessary to form a quorum.

Quorum.

(2) Where a council consists of only five members, the concurrent votes of at least three of them shall be necessary to carry any resolution or other measure. 3-4 Geo. V. c. 43, s. 200.

Where coun-
cil consists
of five
members.

201.—(1) The head of the council shall preside at all meetings, and may at any time summon a special meeting; and it shall be his duty to do so when requested in writing by a majority of the members.

Head of
council to
preside.

Special meetings.

(2) In the absence of the head of the council or if his office is vacant, a special meeting may be summoned by the clerk upon a requisition signed by a majority of the members. 3-4 Geo. V. c. 43, s. 201.

Place of special meeting.

202. If there is no by-law or resolution fixing the place of meeting, a special meeting shall be held at the place where the then last meeting was held, and a special meeting may be either open or closed as in the opinion of the council expressed by resolution in writing the public interest requires. 3-4 Geo. V. c. 43, s. 202.

Appointment of presiding officer in absence of head.

203. In the absence of the head of the council, or if his office is vacant, the council may, from among the members, appoint a presiding officer, who during such absence or vacancy shall have all the powers of the head of the council. 3-4 Geo. V. c. 43, s. 203.

Casual absence of presiding officer.

204. If the person who ought to preside at any meeting does not attend within fifteen minutes after the hour appointed, the members present may appoint a presiding officer from among themselves, and he shall have the same authority as the absent person would have had if present. 3-4 Geo. V, c. 43, s. 204.

Head or presiding officer may vote.

205. The head of the council, or the presiding officer, except where he is disqualified to vote by reason of interest or otherwise, may vote with the other members on all questions, and, except where otherwise expressly provided by this Act, any question on which there is an equality of votes shall be deemed to be negatived. 3-4 Geo. V, c. 43, s. 205.

Equality of votes to negative question.**Voting to be open and to be recorded.**

206.—(1) Where a division is taken upon the election of a warden or other presiding officer, upon the appointment of an officer of the corporation or upon a by-law, resolution or for any other purpose, each member present shall announce his vote openly and individually, and the clerk shall record it.

No vote by ballot.

(2) No vote shall be taken by ballot or by any other method of secret voting, and every vote so taken shall be of no effect. 3-4 Geo. V, c. 43, s. 206.

Prohibition as to member voting to appoint himself to office.

207. No member of a council shall vote on any by-law appointing him to any office in the gift of the council or fixing or providing his remuneration for any service to the corporation; but this shall not apply to allowances for attendance at meetings of the council or its committees. 3-4 Geo. V, c. 43, s. 207.

Adjournment.

208. A council may adjourn its meetings from time to time, 3-4 Geo. V, c. 43, s. 208.

PART VII.

BOARDS OF CONTROL.

209.—(1) There shall be a Board of Control for the City of Toronto consisting of the Mayor and four controllers to be elected by general vote. Board of Control in City of Toronto.

(2) The council may by by-law fix the salaries of the members of the board, not exceeding for each member \$2,500 per annum and with the assent of the municipal electors, not exceeding for each member \$5,000 per annum. 3-4 Geo. V, c. 43, s. 209; 11 Geo. V, c. 63, s. 3. Salary.

209a.—(1) In cities having a population of not less than 100,000 and not more than 200,000 inhabitants, there shall be a board of control, consisting of the mayor and four controllers to be elected by general vote. Boards of control in certain cities.

(2) The council may, by by-law, fix the salaries of the members of the board, not exceeding for each member \$1,500 per annum.

(3) This section shall be deemed to have been in force from and after the 1st day of July, 1913. 5 Geo. V, c. 34, s. 14.

210.—(1) The council of any city having a population of less than 100,000, but more than 45,000, may by by-law provide for the election by general vote of four controllers, who with the Mayor shall constitute the Board of Control. Board of control in cities over 45,000 and under 100,000.

(2) The by-law shall not, nor shall a by-law repealing it, be passed until it has received the assent of the municipal electors. Assent of electors required.

(3) The council may by by-law fix the salaries of the members of the board, not exceeding for each member \$1,500 per annum. 3-4 Geo. V, c. 43, s. 210. Salary.

(4) A by-law passed under subsection 1, shall not be repealed until at least five annual elections have been held under it, and no repealing by-law shall be passed later in any year than the first day of November. 5 Geo. V, c. 34, s. 15. Repeal of by-law.

211. During the absence of the Mayor or if there is a vacancy in the office the person appointed as presiding officer of the council shall act as a member of the Board. 3-4 Geo. V, c. 43, s. 211. Presiding officer to act in absence of mayor.

Quorum. **212.**—(1) Three members of a Board of Control shall form a quorum, and the Mayor shall preside at the meetings of the board, and in his absence the members shall appoint one of their number to preside.

Mayor to preside.

Filling vacancies. (2) If a vacancy occurs in the office of controller the council, at a meeting called for that purpose, shall elect a person to fill the vacancy for the unexpired term of the member whose seat has become vacant. 3-4 Geo. V, c. 43, s. 212.

Duties of board.

213.—(1) It shall be the duty of the Board of Control:

To prepare estimates.

(a) To prepare an estimate of the proposed expenditure of the year and certify it to the council for its consideration.

To award contracts.

(b) To prepare specifications for and award all contracts and for that purpose to call for all tenders for works, material and supplies, implements, machinery, or other goods or property required and which may lawfully be purchased for the use of the corporation, and to report its action to the council at its next meeting.

To inspect municipal works.

(c) To inspect and report to the council monthly or oftener upon all municipal works being carried on or in progress.

To nominate officers of corporation.

(d) To nominate to the council all heads of departments and sub-departments in case of a vacancy and, after a favorable report by the head of the department, any other officer of the corporation required to be appointed by by-law or resolution of the council, and any other permanent officers, clerks or assistants, and to recommend the salaries of all officers and clerks.

To suspend or dismiss.

(e) To dismiss or suspend any head of a department and forthwith to report such dismissal or suspension to the council.

Estimates of board to bind council except on two-thirds vote.

(2) The council shall not appropriate or expend, nor shall any officer thereof expend or direct the expenditure of any sum not provided for by the estimates or by a special or supplementary estimate certified by the board to the council, without a two-thirds vote of the council authorizing such appropriation or expenditure, but this prohibition shall not extend to the payment of any debenture or other debt or liability of the corporation.

(3) When opening tenders the board shall require the presence of the head of the department or sub-department with which the subject matter of them is connected, and when requisite the presence of the city solicitor.

Head of department to be present when tenders are opened.

(4) The head of such department or sub-department may take part in any discussion at the board relating to the tenders.

Discussion as to tenders.

(5) The council shall not, without a two-thirds vote reverse or vary the action of the board in respect of the tenders, when the effect of such vote would be to increase the cost of the work or to award the contract to a tenderer other than the one to whom the board has awarded it.

Reversal by council of action of board.

(6) No head of a department or sub-department or other permanent officer, clerk or assistant shall be appointed or selected by the council in the absence of the nomination of the board as provided by clause (d) of subsection 1, without a two-thirds vote.

Appointment of head of department on nomination of board.

(7) Where a head of a department has been dismissed by the board, he shall not be reappointed or reinstated by the council without a two-thirds vote.

Two-third vote of council to reinstate head of department dismissed.

(8) In the absence of a by-law of the council prescribing the mode of appointing, engaging or employing any officers, clerks, assistants, employees, servants and workmen not included in clauses (d) and (e) of subsection 1, the board may direct by whom and in what manner they shall be appointed, engaged or employed.

Controlling appointment and duties of subordinate officers.

(9) The board may submit proposed by-laws to the council.

Submission of by-laws, etc.

(10) The board, where in its opinion it is advisable, may amalgamate departments or sub-departments.

Amalgamation of departments.

(11) The board may appoint a secretary or clerk who shall keep minutes of its proceedings, prepare its reports and perform such other duties as may be assigned to him by the board or by the mayor or the council.

Secretary of board.

(12) The council may by by-law or resolution assign to the board such other duties as the council may deem proper.

Other duties assigned by council.

(13) The board, when so required by resolution of the council, and upon one week's notice thereof, shall furnish to the council copies of the minutes of its proceedings and any other information in its possession which the council may require.

Copies of minutes, when to be furnished to council.

- Referring back matter for reconsideration. (14) The council may refer back to the board any report, nomination, question or matter for reconsideration.
- Recording votes on action of board. (15) Where it is sought in council to reverse, set aside or vary the action of the board, or where a two-thirds vote is required, the vote by yeas and nays shall be recorded in the minutes of the council.
- School boards to send in estimates. (16) The public, the high and separate school boards, the board of education, the board of commissioners of police and the public library board and every other board whose estimates are to be provided for, shall furnish to the Board on or before the first day of March in each year their annual estimates.
- Certain officers not to be nominated by board. (17) Clause (d) of subsection 1, shall not apply to a member of the fire department, except the head of it, or to an assessor, except the assessment commissioner, or to a representative of the council upon the board of a harbour trust, or of a corporation on the board of which the council is entitled to elect a representative, or to a member of the Court of Revision.
- Powers of head of department before 7th April, 1896. (18) Nothing in this section shall deprive a head of a department of the power which he possessed on the 7th day of April, 1896, under any by-law or otherwise, to dismiss any subordinate officer, clerk or employee.
- Exclusive rights of board. (19) Notwithstanding anything in this Act, the duties assigned to the board shall be discharged exclusively by the board, except in the case mentioned in subsection 9. 3-4 Geo. V, c. 43, s. 213.

PART VIII.

OFFICERS OF MUNICIPAL CORPORATIONS.

The Head.

- Who to be head of council. **214.** The warden of a county, the mayor of a city or town and the reeve of a village or township, shall be the head of the council and the chief executive officer of the corporation. 3-4 Geo. V, c. 43, s. 214.

215. It shall be the duty of the head of the council to, Duties of head of council.

- (a) Be vigilant and active in causing the laws for the government of the municipality to be duly executed and obeyed;
- (b) Oversee the conduct of all subordinate officers in the government of it and, as far as practicable, cause all negligence, carelessness and violation of duty to be prosecuted and punished; and
- (c) Communicate from time to time to the council such information, and recommend to it such measures as may tend to the improvement of the finances, health, security, cleanliness, comfort and ornament of the municipality. 3-4 Geo. V, c. 43, s. 215.

216. The head of the council of a county and of an urban municipality may be paid such annual or other remuneration as the council may determine. Remuneration of head. 3-4 Geo. V, c. 43, s. 216.

217. The mayor of a city or town may call out the *posse comitatus* to enforce the law within the municipality under the same circumstances in which the sheriff of a county may now by law do so. Mayor may call out posse comitatus. 3-4 Geo. V, c. 43, s. 217.

The Clerk.

218. Every council shall appoint a clerk, whose duty it shall be: Appointment of clerk, and his duties.

- (a) To truly record in a book, without note or comment, all resolutions, decisions and other proceedings of the council;
- (b) If required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) To keep the books, records and accounts of the council;
- (d) To preserve and file all accounts acted upon by the council;
- (e) To keep in his office or in the place appointed for that purpose, the originals of all by-laws, and of all minutes of the proceedings of the council; and

- (f) To perform such other duties as may be assigned to him by the council. 3-4 Geo. V. c. 43, s. 218.

Minutes,
etc., to be
open to
inspection.

Copies to be
furnished,
and charges
therefor,
etc.

Documents
certified by
clerk to be
receivable
in evidence.

Provision
for absence,
etc., of
clerk.

Returns to
be made to
Bureau of
Industries.

Penalty.

Return to
Assembly.

219.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents mentioned in the next preceding section and the minutes and proceedings of any committee of the council, whether the acts of the committee have been adopted or not, and the assessment rolls, voters' lists, poll books, and other documents in the possession or under the control of the clerk, and the clerk shall, within a reasonable time, furnish copies of them, certified under his hand and the seal of the corporation, to any applicant on payment at the rate of ten cents for every hundred words, or at such lower rate as the council may fix.

(2) A copy of any record, book or document in the possession or under the control of the clerk purporting to be certified under his hand and the seal of the corporation, may be filed and used in any Court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the Court otherwise directs. 3-4 Geo. V. c. 43, s. 219.

220. Where the clerk is absent or incapable through illness of performing his duties, the council may by resolution provide that some other person, to be named in the resolution or to be appointed under the hand of the clerk, shall act in his stead and the person so appointed shall have all the powers of the clerk. 3-4 Geo. V. c. 43, s. 220.

221.—(1) The clerk of every local municipality shall in each year, within one week after the final revision of the assessment roll, make a return to the Secretary of the Bureau of Industries, on forms approved by the Lieutenant-Governor in Council and furnished by the secretary, of such statistics or information as the assessment roll or other records of his office afford, and the forms call for; and every such return shall be transmitted by registered post.

(2) For every contravention of this section, the clerk shall incur a penalty not exceeding \$40.

(3) The secretary shall cause to be prepared a tabulated statement of the returns which the Minister of Agriculture shall lay before the Assembly. 3-4 Geo. V. c. 43, s. 221.

The Treasurer.

222.—(1) Every council shall appoint a treasurer, who ^{Treasurer to be appointed.} may be paid either by salary or by a percentage, and may also appoint a deputy treasurer to act in the absence of the treasurer or in case of a vacancy in the office.

(2) The treasurer and the deputy treasurer, before enter- ^{To give security.} ing on the duties of their offices, shall give such security as the council directs for the faithful performance of such duties, and for duly accounting for and paying over all money which comes into their hands.

(3) It shall be the duty of every council, in every year, ^{Annual inquiry as to sufficiency of.} to inquire into the sufficiency of the security given by the treasurer, and to cause to be entered in its minutes the result of the inquiry. 3-4 Geo. V. c. 43, s. 222.

223.—(1) In case of the death of the treasurer of a ^{Appointment of county treasurer pro tem.} county, the warden may, by warrant under his hand, appoint for such special purpose as he may deem necessary, a treasurer *pro tempore*, who shall hold office until the next meeting of the council; and all acts authorized by the warrant which are performed by him shall be as valid and binding as if performed by a treasurer.

(2) The warden shall, by the warrant, direct what secur- ^{Security to be given by.} ity shall be given by the treasurer *pro tempore* for the faithful performance of his duties, and for duly accounting for, and paying over, all money which comes into his hands, and before entering upon his duties he shall give such security, but he shall not interfere with the books, vouchers, or accounts of the deceased treasurer until a proper audit of them has been made. 3-4 Geo. V. c. 43, s. 223.

224.—(1) The treasurer shall receive, and safely keep, ^{To receive and take care of and disburse money, etc.} all money of the corporation, and shall pay out the same to such persons and in such manner as the laws of Ontario and the by-laws or resolutions of the council direct.

(2) Except where otherwise expressly provided by this ^{When member of council may be paid for work.} Act, a member of the council shall not receive any money from the treasurer for any work or service performed or to be performed.

(3) The treasurer shall not be liable for money paid by him in accordance with a by-law or resolution of the council, ^{His liability limited.} unless another disposition of it is expressly provided for by statute. 3-4 Geo. V. c. 43, s. 224.

Treasurer
to open
account in
name of
corporation.

225. The treasurer shall open an account in the name of the corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved of by the council, and shall deposit to the credit of such account all money received by him on account of the corporation, and he shall keep the money of the corporation entirely separate from his own money. 3-4 Geo. V. c. 43, s. 225.

Half-yearly
statement
of assets.

226. Every treasurer shall prepare and submit to the council, half-yearly, a statement of the money at the credit of the corporation; and in local municipalities which have passed by-laws requiring it to be done, shall, on or before the 20th day of December in each year, prepare and transmit to the clerk a list of all persons who have not paid their municipal taxes on or before the 14th day of that month. 3-4 Geo. V. c. 43, s. 226.

Annual list
of persons
in default
for taxes.

Returns to
be made to
Bureau of
Industries.

227.—(1) The treasurer of every municipality shall, on or before the first day of April in each year, transmit by registered post to the Secretary of the Bureau of Industries, on forms approved by the Lieutenant-Governor in Council and furnished by the secretary, such information or statistics regarding the finances or accounts of the corporation as the forms call for. 3-4 Geo. V. c. 43, s. 227 (1); 5 Geo. V. c. 34, s. 16.

Penalty.

(2) For every contravention of this section the treasurer shall incur a penalty not exceeding \$40.

Tabulated
statement
of returns.

(3) The Secretary shall cause to be prepared a tabulated statement of the returns, which the Minister of Agriculture shall lay before the Assembly. 3-4 Geo. V. c. 43, s. 227 (2, 3).

Treasurer
making pay-
ments to
other muni-
cipalities to
send state-
ments to
head.

228.—(1) Every Treasurer, on or before the 7th day of January in each year, shall transmit by registered post to the head of every municipality to whose treasurer he has made any payment during the year ended on the 31st day of the next preceding December, a statement signed by him setting forth every such payment and the date of it.

Statements
to be read
to council
and de-
livered to
auditors.

(2) The head of the municipality shall cause every such statement received by him to be read at the next meeting of the council after the receipt of it, and to be delivered to the auditors before the audit of the accounts for the year to which the statement relates. 3-4 Geo. V. c. 43, s. 228.

229. Where a treasurer is removed from office, or absconds, the council shall forthwith give notice to his sureties, and his successor may draw any money of the corporation which may have been deposited by the treasurer to his credit.
 3-4 Geo. V. c. 43, s. 229.

Assessors and Collectors.

230.—(1) The council of every local municipality shall appoint as many assessors and shall annually appoint as many collectors for the municipality as may be deemed necessary. 3-4 Geo. V. c. 43, s. 230 (1); 9 Geo. V. c. 46, s. 7.

(2) The appointment shall be made as soon as practicable after the organization of the council.

(3) The council may assign to an assessor or collector the district within which he is to act, and may make regulations for governing him in the performance of his duties.

(4) In a city, town or township the same person may be appointed assessor or collector for more than one ward or polling subdivision.

(5) A member of the council or the clerk or treasurer of the municipality shall not be appointed assessor or collector.

(6) The collector of a municipality, the council of which has passed a by-law requiring the taxes to be paid on or before the 14th day of December, shall, on the 15th day of December in each year, return, upon oath, to the treasurer the names of all persons who have not paid their taxes.
 3-4 Geo. V. c. 43, s. 230 (2-6).

231.—(1) The council of a city or town, instead of appointing assessors, may appoint an assessment commissioner, who, in conjunction with the mayor, shall appoint such assessors as may be necessary, and the assessment commissioner and the assessors shall constitute a board of assessors, and shall have all the powers and perform all the duties of assessors appointed under the next preceding section.

(2) The council of a city or town, having a population of less than 20,000 may provide that all the duties of an assessor shall be performed by the assessment commissioner, and in that case it shall not be necessary to appoint assessors.

(3) It shall not be necessary to appoint the assessment commissioner, assessors or collectors of a city annually.

Notices.

(4) In a city or town which has an assessment commissioner, all notices in matters relating to assessment which in other municipalities are required by this or any other Act to be given to the clerk shall be given to the assessment commissioner.

Auditors and Audit.

Auditors.

232.—(1) Subject to sections 233 and 240, every council shall, at its first meeting in every year, appoint two auditors.

Disqualification for office of.

(2) No person who is or during the next preceding year was a member of the council, or the clerk or treasurer of the municipality, or who has, or during the next preceding year had, directly or indirectly, alone or in conjunction with any other person, a share or interest in any contract or employment with or on behalf of the corporation, except as auditor, shall be appointed an auditor.

Case of county auditor refusing to act.

(3) If a person appointed auditor for a county refuses, or is unable to act, the head of the council shall appoint another person not in the employment of such head to be auditor in his stead. 3-4 Geo. V. c. 43, s. 232.

Appointment of auditors in November or December.

233. The council of any municipality may provide that the auditors shall be appointed in November or December in each year for the next succeeding year, and thereafter while the by-law remains in force the council shall appoint the auditors in accordance with its terms, instead of at its first meeting. 3-4 Geo. V. c. 43, s. 233.

Duty of auditors.

234.—(1) The auditors appointed under section 233 shall, at the end of every month, beginning with the first month in the year following that of their appointment, examine and report upon all accounts affecting the corporation, or relating to any matter under its control, or within its jurisdiction, and after the examination of every account, voucher, receipt and paid debenture submitted for audit, shall stamp on it, in indelible letters, the word "audited," and initial it.

(2) The auditors appointed under section 233 shall also perform the duties of auditors appointed under section 232 with respect to the accounts and transactions of the year in which they are appointed. 3-4 Geo. V. c. 43, s. 234.

Auditors may administer oaths.

235. An auditor may administer an oath to any person concerning any account or other matter to be audited. 3-4 Geo. V. c. 43, s. 235.

(NOTE.—Section 236 as to filling vacancy in office of auditor in a city, repealed by 10-11 Geo. V. c. 58, s. 4 (2). See now subsection 2 of section 240.)

237.—(1) The auditors appointed under section 232 shall examine and report upon all accounts affecting the corporation or any commission managing a public utility work or relating to any matter under its control or within its jurisdiction for the year ended on the 31st day of December preceding their appointment. Duties of auditors.

(2) They shall annually prepare in duplicate an abstract of the receipts, expenditure, assets, and liabilities of the corporation or commission and a detailed statement in duplicate of the same for the next preceding year in such form as the council may direct, and shall report on all accounts audited by them, and make a special report of any expenditure made contrary to law, and shall transmit by registered post one copy of the abstract and one copy of the detailed statement to the Secretary of the Bureau of Industries, and shall file the other abstract, the other detailed statement, and their reports, in the office of the clerk not later than the 1st day of March. To prepare abstract and detailed statement of receipts and expenditure, etc.

(3) Where the auditors are appointed under section 233, or where they have been required to make their audit under the provisions of section 240, the abstract, statements, and reports mentioned in subsection 2, shall be, with respect to the year for which they are appointed, and shall be made and filed within one month after the expiry of that year and the auditors shall be deemed to continue in office during that period for the purpose only of preparing and filing such statements and reports.

(4) For every contravention of subsection 2 or 3, an auditor shall incur a penalty not exceeding \$40. Penalty.

(5) A resident of the municipality may inspect the abstract, statements and reports at all reasonable hours, and may, by himself or his agent, at his own expense, make a copy of or extracts from them. Inspection of abstract, statement, etc.

(6) The auditors of every municipality shall also make a report upon the condition and sufficiency of the securities of the treasurer; and such report shall show what cash balance, if any, was due from the treasurer to the corporation at the date of the audit, and where it is deposited and what security there is that the same will be available when required; but this shall not relieve the council from the performance of the duty imposed by section 222. Report on treasurer's securities.

Clerk to publish abstracts and statements.

(7) The clerk shall publish the abstract, statements and reports in such form as the council may direct; and in the case of a local municipality shall transmit a copy of the abstract and statements to the clerk of the council of the county, and the same shall be kept in his office.

Inspection of books of bank or company.

(8) The auditors may make a written requisition upon the treasurer for a request to any bank or company with which the money is or has been deposited, or with which the treasurer has kept an account, to exhibit the account and details thereof to them; and it shall be the duty of the treasurer, within twenty-four hours after the delivery to him of such requisition, to comply with it.

Publication of statements of assets and liabilities.

(9) The council of every town, village and township shall hold a meeting on the 15th day of December in each year, and shall immediately thereafter publish a detailed statement of the receipts and expenditures of the corporation for the portion of the year ended on that day, together with a statement of assets, liabilities and uncollected taxes, and a similar statement respecting the last 15 days of the next preceding year.

Publication of statements.

(10) The statements shall be signed by the head of the council and by the treasurer, and shall be published.

Posting up statements.

(11) Instead of publishing the statements the council may cause them to be posted up, not later than 24th day of December, in the office of the clerk and of the treasurer, at all post offices, and at not less than 12 other conspicuous places in the municipality.

Delivery of copies to electors.

(12) The clerk shall procure to be printed not less than one hundred copies of the statements, and shall deliver or transmit by post one of them to every elector who requests him to do so, not later than the 24th day of December in each year, and shall also see that copies of the statements are produced at the nomination meeting.

Subsections 9-12 not to apply to certain municipalities.

(13) The next preceding four subsections shall not apply to a township municipality in a provisional judicial district, or in the electoral district of North Renfrew, or in the Provisional County of Haliburton.

Making untrue entries in financial statement.

(14) A member of a council or an officer of a corporation, or any other person, who knowingly makes or causes or procures to be made, any untrue entry in the statements, or who knowingly omits or causes to be omitted from them anything which should be included, shall incur a penalty of not less than \$5 or more than \$40. 3-4 Geo. V. c. 43, s. 237.

238. The council of a city or town may provide that all accounts shall be audited before payment. 3-4 Geo. V. c. 43, s. 238. Audit of accounts before payment.

239. The council shall, upon the report of the auditors, finally audit and allow the accounts of the treasurer and collectors, and all accounts chargeable against the corporation; and where charges are not regulated by law, the council shall allow what is reasonable. 3-4 Geo. V. c. 43, s. 239. The council to audit finally, etc.

240.—(1) Instead of appointing two auditors annually as provided by section 232, the council may by by-law provide for the appointment of one or more auditors to hold office during pleasure, who shall daily or otherwise examine, audit and report on the accounts of the corporation. 3-4 Geo. V. c. 43, s. 240 (1). Auditors appointed as permanent officers.

(2) Every auditor appointed for a city shall hold office during good behaviour and shall be removable for cause by the council upon a vote of two-thirds of the members thereof. 10-11 Geo. V. c. 58, s. 4 (1). Tenure of office of auditor.

241. The Treasurer of Ontario may in his discretion retain in his hands any money payable to a corporation, if it is certified to him by the Secretary of the Bureau of Industries that any officer of the corporation whose duty it is to make returns to the Bureau has not done so. 3-4 Geo. V. c. 43, s. 241; 7 Geo. V. c. 42, s. 2. Money payable by province to be retained if returns not made.

Duties of Officers Respecting Oaths and Declarations.

242.—(1) Every person elected as trustee of a police village, before he takes the declaration of office or enters upon his duties, shall make and subscribe a declaration of qualification, Form 2. 3-4 Geo. V. c. 43, s. 242 (1); 10-11 Geo. V. c. 58, s. 5. Declaration of qualification.

(2) Every member of a council, trustee of a police village, every public utility commissioner and commissioner of industries, and every clerk, treasurer, assessment commissioner, assessor, collector, engineer, clerk of works and street overseer or commissioner, before entering on the duties of his office, shall also make and subscribe a declaration of office, Form 16. Declaration of office.

(3) Every person elected or appointed to two or more municipal offices may make one declaration of office as to all of them. Declaration of person appointed to more than one office.

Declaration
of returning
officers and
others.

(4) Every returning officer, deputy returning officer, poll clerk, constable and other election officer, before entering upon the duties of his office, shall make and subscribe a declaration, Form 17.

Administra-
tion of oaths
to deputy
returning
officers and
poll clerks.

(5) Where by this Act any oath or declaration is required to be made by a deputy returning officer, or by a poll clerk, and no special provision is made therefor, the same, in the case of a deputy returning officer, may be made before the returning officer for the municipality or ward, or before the poll clerk, or before any person authorized to administer an oath; and, in the case of a poll clerk, before any such person, or before the deputy returning officer.

Auditor's
declaration.

(6) Every auditor, before entering upon his duties, shall make and subscribe a declaration, Form 18.

Filing of
declaration.

(7) Except where otherwise provided the person by whom the oath or declaration is made shall file the same in the office of the clerk within 8 days after it is made. 3-4 Geo. V. c. 43, s. 242 (2-7).

Certain
officers may
administer
certain
oaths.

243. Except where otherwise expressly provided, in addition to the persons authorized by law to administer an oath, the head of a council, a controller, an alderman, a reeve, or the clerk of a municipality may, within the municipality, administer an oath, or take any declaration under this Act or relating to the business of the corporation. 3-4 Geo. V. c. 43, s. 243.

Penalty for
refusing to
accept office
or take
declaration,
etc.

244. Every qualified person duly elected to be a member of a council, a trustee of a police village, or a public utility commissioner, and every person appointed as assessment commissioner, commissioner of industries, assessor or collector, who refuses the office to which he has been elected or appointed, or does not, within twenty days, after knowing of his election or appointment, make and file the declaration of office and in the case of a member of the council of a township or of a trustee of a police village, the declaration of qualification and every person authorized to take any such declaration, who, upon reasonable demand, refuses to take it, shall incur a penalty of not less than \$8, or more than \$80, which, when recovered, shall be paid over to the corporation. 3-4 Geo. V. c. 43, s. 244.

Salaries, Tenure of Office and Gratuities

Salaries of
officers.

245.—(1) When the remuneration of any officer of a corporation is not fixed by law, the council shall fix it.

(2) The council shall give to the clerk, for services and duties performed by him, under *The Ditches and Water-courses Act*, a fair and reasonable remuneration, to be fixed by the council. Remuneration of clerk for certain services. Rev. Stat. c. 260.

(3) The council shall fix the sum to be paid to the clerk by any person for copies of awards or other documents, or for any other services rendered by him, other than such as it is his duty to perform under that Act. Fees for copies of awards, etc.

(4) Where an appointment to an office or an arrangement for the discharge of the duties of an office is to be made, the council shall not invite or require applicants to name a sum for which they will discharge the duties of the office, or give the appointment to, or make the arrangement with, the person who offers to perform the duties at the lowest salary or remuneration. Remuneration not to be settled by tender.

(5) Notwithstanding that a corporation employs a solicitor or a counsel whose remuneration is wholly or partly paid by salary, annual or otherwise, the corporation shall have the right to recover and collect lawful costs in all actions and proceedings, in the same manner as if the solicitor or counsel was not so remunerated, if the costs are, by the terms of his employment, payable to the solicitor or counsel as part of his remuneration in addition to his salary. 3-4 Geo. V. c. 43, s. 245. When municipality employing solicitor at a salary may recover costs.

246. All officers appointed by a council shall hold office during the pleasure of the council, and shall, in addition to the duties assigned to them by this Act, perform all other duties required of them by any other Act, or by by-law of the council. 3-4 Geo. V. c. 43, s. 246. Tenure of office. Duties.

247. A council may grant to any officer who has been in the service of the corporation for at least twenty years, and who, while in such service, has become incapable, through illness or old age, of efficiently discharging the duties of his office, a sum not exceeding the aggregate of his salary or other remuneration for the next preceding three years of his service, as a gratuity upon his ceasing to hold the office. 3-4 Geo. V. c. 43, s. 247. Gratuities.

Investigation of Charges of Malfeasance, Etc., or Judicial Inquiry in relation to Municipal Matters.

248.—(1) Where the council of a municipality passes a resolution requesting a Judge of the County or District Court of the county or district in which the municipality Investigation by County Judge of charges of malfeasance.

is situate to investigate any matter relating to a supposed malfeasance, or breach of trust, or other misconduct on the part of a member of the council, or an officer, or a servant of the corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, servant, or other person, to the corporation, or to inquire into or concerning any matter connected with the good government of the municipality, or the conduct of any part of its public business, the Judge shall make the inquiry, and shall for that purpose have all the powers which may be conferred upon Commissioners under *The Public Inquiries Act*, and he shall, with all convenient speed, report to the council the result of the inquiry and the evidence taken.

Rev. Stat.
c. 18.

Fees payable
to Judge.
Rev. Stat.
c. 56.

(2) The Judge shall be paid by the corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Engaging
counsel.

(3) The council may engage and pay counsel to represent the corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the corporation, and any person charged with malfeasance, breach of trust, or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel. 3-4 Geo. V. c. 43, s. 248.

PART IX.

GENERAL PROVISIONS APPLICABLE TO ALL MUNICIPALITIES.

Jurisdiction—Nature and Extent.

Jurisdiction
of councils.

249.—(1) Except where otherwise provided, the jurisdiction of every council shall be confined to the municipality which it represents and its powers shall be exercised by by-law.

By-law not
to be
quashed
because un-
reasonable.

(2) A by-law passed by a council in the exercise of any of the powers conferred by and in accordance with this Act, and in good faith, shall not be open to question, or be quashed, set aside, or declared invalid, either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. 3-4 Geo. V. c. 43, s. 249.

250. Every council may pass such by-laws and make such regulations for the health, safety, morality, and welfare of the inhabitants of the municipality in matters not specifically provided for by this Act, as may be deemed expedient and are not contrary to law, and for governing the proceedings of the council, the conduct of its members, and the calling of meetings. 3-4 Geo. V. c. 43, s. 250.

General power to make regulations.

251. Proceedings begun by one council may be continued and completed by a succeeding council. 3-4 Geo. V. c. 43, s. 251.

Council a continuing body.

252. The council of a local municipality shall not, after the 31st day of December in the year for which its members were elected, pass any by-law or resolution for, or which involves, directly or indirectly, the payment of money, or enter into any contract or obligation on the part of the corporation, or appoint to or dismiss from office any officer under the control of the council, or do any other corporate act, except in case of extreme urgency, or unless the act is one which the council is required by law to do. 3-4 Geo. V. c. 43, s. 252.

Certain acts not to be done by councils after 31st December.

253.—(1) The power to license any trade, calling, business or occupation or the person carrying on or engaged in it shall include the power to prohibit the carrying on of or the engaging in it without a license.

Power to license includes power to prohibit.

(2) Except where the power of fixing the sum to be paid for the license is expressly conferred on a Board of Commissioners of Police, the Council of the Municipality, where by this or any other Act the Council or the Board is authorized to pass by-laws for licensing any trade, calling, business or occupation or the person carrying on or engaged in it may, subject to the limitations contained in the Act, fix the sum to be paid for the license and the time for which it shall be in force and may provide for enforcing payment of the license fee.

Who to fix amount of license fee.

(3) The license fee may be in the nature of a tax for the privilege conferred by it. 3-4 Geo. V. c. 43, s. 253 (1-3).

License fee may be a tax.

(4) Subject to the provisions of *The Theatres and Cinematographs Act*, the granting or refusing of a license to any person to carry on a particular trade, calling, business or occupation, or of revoking a license under any of the powers conferred upon a council or a Board of Commissioners of Police by this Act, or any other Act, shall be in its discre-

Discretion as to granting or refusing a license.

tion, and it shall not be bound to give any reason for refusing or revoking a license and its action shall not be open to question or review by any Court. 3-4 Geo. V. c. 43, s. 253 (4); 6 Geo. V. c. 24, s. 27 (1).

Refund
when
license
revoked.

(5) Where a license is revoked the licensee shall be entitled to a refund of a part of the license fee proportionate to the unexpired part of the term for which it was granted. 3-4 Geo. V. c. 43, s. 253 (5).

Granting
monopolies
prohibited.

Rev. Stat.
cc. 127, 128.

254.—(1) Subject to section 255, and to section 7 of *The Ferries Act* and to section 8 of *The Ontario Telephone Act*, a council shall not confer on any person the exclusive right of exercising, within the municipality, any trade, calling or business, or impose a special tax on any person exercising it, or require a licence to be taken for exercising it, unless authorized or required by this or any other Act so to do; but the council may require a fee, not exceeding \$1, to be paid to the proper officer for a certificate of compliance with any regulations in regard to the trade, calling or business. 3-4 Geo. V. c. 43, s. 254.

Limiting
number of
pool and
billiard
tables and
licenses.

(2) This section shall not prevent the Council under the powers conferred by paragraph 1 of section 420 from limiting the number of licenses and the number of tables to such number as the council may deem fit even if the number be limited to one, and this subsection shall have effect as if it had been passed on the 13th day of April, 1909. 6 Geo. V. c. 39, s. 3.

Exclusive
right to
maintain
waste paper
boxes on
streets.

255.—(1) The council of a city may grant to any person, upon such terms and conditions as may be deemed expedient, the exclusive right to place and maintain for any period not exceeding ten years, iron waste-paper boxes on the street corners or elsewhere in the city, under and subject to the direction of the city engineer and the approval of the council.

Location
of boxes.

(2) The location of the boxes shall be subject to change from time to time at the expense of the grantee, by whom the boxes shall be kept clean and painted, and the collections therein removed, to the satisfaction of the city engineer, and as often as he may direct. 3-4 Geo. V. c. 43, s. 255.

Cold storage
business.

256. The council of a city may establish and carry on the business of cold storage in connection with or upon the market property of the corporation. 3-4 Geo. V. c. 43, s. 256.

257.—(1) Subject to the limitations and restrictions ^{Borrowing powers.} contained in this Act, a council may borrow money for the purposes of the corporation, whether under this or any other Act, and may issue debentures therefor.

(2) A debt contracted by the corporation of a city for ^{Debts for street railways.} the construction or maintenance of a street railway shall not be included as a part of its debt for the purpose of determining whether the limit of its borrowing power as fixed by any special Act has been reached. 3-4 Geo. V. c. 43, s. 257.

Authentication of By-laws.

258. (1) Every by-law shall be under the seal of the corporation, and shall be signed by the head of the council, or ^{How by-laws to be authenticated.} by the presiding officer at the meeting at which the by-law was passed, and by the clerk.

(2) Every by-law purporting to be so sealed and signed, ^{Proof of seal or signature not required.} when produced by the clerk or any officer of the corporation charged with the custody of it, shall be received in evidence in all Courts without proof of the seal or signature.

(3) Where, by oversight, the seal of the corporation has ^{Omission to affix seal.} not been affixed to a by-law, it may be affixed at any time afterwards, and, when so affixed, the by-law shall be as valid and effectual as if it had been originally sealed.

(4) A copy of a by-law, purporting to be certified by the clerk, under the seal of the corporation, as a true copy, shall ^{Certified copy of by-law.} be received in evidence in all Courts, without proof of the seal or signature. 3-4 Geo. V. c. 43, s. 258.

Certificate of Clerk as to Application for By-law.

259.—(1) Where by this or any other Act it is provided ^{Certificate of clerk that application for by-law duly signed.} that a by-law may be passed by a council upon the application of a prescribed number of electors or inhabitants of the municipality or locality, the by-law shall not be finally passed until the clerk, or, where there is an assessment commissioner, the assessment commissioner has certified that the application was sufficiently signed.

(2) For the purposes of this section, the clerk and the ^{Rev. Stat. c. 193.} assessment commissioner shall have all the powers of the clerk under section 16 of *The Local Improvement Act*.

(3) Where the clerk or assessment commissioner has ^{so} certified, his certificate shall be conclusive that the applica- ^{Certificate to be conclusive.} tion was sufficiently signed. 3-4 Geo. V. c. 43, s. 259.

PART X.

VOTING ON BY-LAWS.

Interpretation.

260. In this Part,

- (a) "By-law" shall include a resolution and a question upon which the opinion of the electors is to be obtained.
- (b) "Electors" shall mean the persons entitled to vote on the by-law.
- (c) "Judge" shall mean Judge or Junior Judge of the County or District Court of the county or district in which the municipality, the council of which submits the by-law, is situate.
- (d) "Proposed by-law" shall mean a by-law submitted for the assent of the electors. 3-4 Geo. V. c. 43, s. 260.

Rev. Stat.
c. 215.

261. This part shall be subject to the provisions of *The Liquor License Act*. 3-4 Geo. V. c. 43, s. 261.

Bribery
sections, etc.,
to apply to
voting on
any by-law
or question.

262. All the provisions of this Act prohibiting the doing of any act or making it an offence against this Act, and prescribing penalties therefor, applicable to the election of members of municipal councils shall apply *mutatis mutandis* to the voting upon a by-law, whether the submission of it to the electors is optional with or compulsory upon the council. 3-4 Geo. V. c. 43, s. 262.

If a by-law
requires the
assent of
the electors,
mode of
obtaining
same.

263.—(1) Where a by-law requires the assent, or is submitted to obtain the opinion, of the electors, except where otherwise provided, the council shall, by a separate by-law, appoint the day for taking the votes of the electors, the places where the votes are to be taken, and a deputy returning officer to take the votes at every such place.

Date of
taking vote.

(2) The date appointed shall not be less than three, or more than five, weeks after the first publication of the notice hereinafter mentioned. 3-4 Geo. V. c. 43, s. 263 (1-2).

Submission
of by-laws
on election
day.

(3) A proposed by-law may and in cities having a population of not less than 40,000 shall, where it provides for the purchase or acquiring of any public utility or street railway or for entering into any agreement for that purpose, or for disposing of any public utility or granting any public franchise, be submitted only on the day fixed for taking the poll

at the annual municipal election, but this sub-section shall not apply to a proposed by-law for the purpose of establishing, erecting or constructing by a municipal corporation of a public utility. 4 Geo. V. c. 33 s. 6; 10-11 Geo. V. c. 58.s.6.

(4) The by-law for taking the vote shall also appoint a time when, and place where, the clerk will sum up the number of votes given for and against the proposed by-law, or in the affirmative and the negative on the question and a time and a place for the appointment of persons to attend at the polling places, and at the final summing up of the votes by the clerk, on behalf of the persons interested in, and promoting or opposing the by-law or voting in the affirmative or the negative on the question.

Time and place for summing up votes by clerk, etc.

(5) A copy of the proposed by-law, or a statement of the question submitted, as the case may be, shall be published once a week for three successive weeks, together with a notice signed by the clerk stating that the copy is a true copy of a proposed by-law, or a correct statement of the question submitted, as the case may be, and in the case of a by-law that, if the assent of the electors is obtained to it, it will be taken into consideration by the council after the expiration of one month from the date of the first publication, which date shall also be stated, and in the case of a money by-law stating that a tenant who desires to vote must deliver to the clerk not later than the tenth day before the day appointed for taking the vote the declaration provided for by subsection 3 of section 265.

Publication of by-law.

(6) The notice shall also state the day and places appointed for taking the votes, except where the votes are to be taken at the same time as the annual election, and, in that case, shall state that the votes will be taken at the annual election, and shall also state the time and place for the appointment of persons to attend at the polling places and at the final summing up of the votes by the clerk.

Notice.

(7) Instead of publishing a copy of the proposed by-law, the council may publish a synopsis of it, containing a concise statement of its purpose, the amount of the debt or liability to be created or the money to be raised by it, how the same is to be payable, and the amount to be raised annually for the payment of the debt, and the interest, or the instalments, if the debt is to be paid by instalments. See R. S. Man., c. 116, s. 376 (b).

Synopsis of by-law may be published.

(8) Where more money by-laws than one are submitted at the same time, they may be all placed upon one ballot paper.

One ballot for several by-laws.

3-4 Geo. V. c. 43, s. 263 (4-8).

Appoint-
ment of
persons to
attend at
polling
places and
at final
summing up
of votes.

264.—(1) The head of the council, or a member of it appointed for that purpose by resolution, shall attend at the time and place appointed, and, if requested so to do, shall appoint, by writing signed by him, two persons to attend at the final summing up of the votes by the clerk, and one person to attend at each polling place on behalf of the persons interested in, and desirous of promoting, the proposed by-law, or voting in the affirmative on the question, and a like number on behalf of the persons interested in, and desirous of opposing the proposed by-law, or voting in the negative on the question.

Declaration.

(2) Before any person is so appointed, he shall make and subscribe a declaration, Form 19.

Appoint-
ment to be
produced.

(3) A person so appointed, before being admitted to the polling place, or to the summing up of the votes, shall, if so requested, produce and show his appointment to the deputy returning officer.

When elec-
tor may act.

(4) In the absence of a person so appointed, or if no person has been appointed, any elector, upon making and subscribing, before the returning officer or deputy returning officer, a declaration Form 20 may be present at a polling place, or at the final summing up of the votes, as the case may be. 3-4 Geo. V. c. 43, s. 264.

Persons
qualified to
vote on
money
by-laws.

265.—(1) The persons qualified to vote on a money by-law shall be those entitled to vote at an election with the following exceptions:—

(a) Tenants, other than those mentioned in subsection 3.

(b) Farmers' sons.

(c) Income voters.

(2) The nominee of a corporation assessed upon the last revised assessment roll of the municipality which, if it had been a male person, would have been entitled to have been entered on the voters' list from which the list of voters mentioned in section 266 is to be prepared or in the case provided for by section 94 would, had it been a male person, have been entitled to be entered on such list of voters, shall also be qualified to vote.

Qualifica-
tion of
tenants.

(3) A tenant, whose lease extends for the time for which the debt or liability is to be created, or in which the money to be raised by the proposed by-law is payable, or for at least

twenty-one years, and who has by the lease covenanted to pay all municipal taxes in respect of the property other than local improvement rates, if he makes and files with the clerk not later than the tenth day before the day appointed for taking the vote, a declaration, under *The Canada Evidence Act*, so stating, shall be entitled to have his name entered on the list of voters prepared by the clerk, under section 266. R.S.C. c. 45.

(4) Where a corporation entitled to appoint a nominee to vote on its behalf desires to vote on a money by-law it shall not later than the tenth day before the day appointed for taking the vote file with the clerk of the municipality an appointment in writing of a person to vote as its nominee and on its behalf, and the name of every such nominee shall be included in the list. Appoint-ment of nominee of corporation to be filed with clerk. 3-4 Geo. V. c. 43, s. 265.

266.—(1) Where the proposed by-law is a money by-law or one on which all the municipal electors are not entitled to vote, the clerk, after the passing of the by-law for taking the vote, and not later than the tenth day before the day appointed for taking the vote, shall prepare a list of the persons entitled to vote on the proposed by-law and, subject to section 267 and to section 24 of *The Ontario Voters' Lists Act*, the list so prepared shall be final and conclusive as to the right of every person named therein to vote, except in the case of a local option by-law where he is not at the time of the taking of the vote thereon, and has not been for the three months before that time a *bona fide* resident of the municipality, and that no person not named therein is entitled to vote. Prepara-tion of list of voters. Rev. Stat. c. 6.

(2) The clerk shall prepare such list from the last revised voters' list, and in the case provided for by section 94 from the last revised assessment roll, omitting from his list the names of all persons whose names are entered on such voters' list or assessment roll, but are not entitled as appears by such list or roll to vote on the by-law, and in the case of money by-laws including in the list the nominees of corporations who are entitled to vote on the by-law. From last revised voters' list or assess-ment roll.

(3) When the voting is to take place at the same time as the annual municipal elections, it shall be sufficient in the case of persons whose names are entered on the voters' list as tenants, if there is written on the voters' list used for the purpose of the election opposite to the name of such of them as are entitled to vote on the by-law the words "entitled to vote on the by-law," and it shall be deemed that the names of all others of such persons are omitted from the list within the meaning of subsection 2. Designating tenants entitled to vote.

Clerk to
certify.

(4) The list prepared by the clerk shall be certified by him to be a true and correct list of all persons entitled to vote on the proposed by-law, and shall be forthwith posted up in his office. 3-4 Geo. V. c. 43, s. 266.

Revision
of list by
judge.

267.—(1) At any time not later than five days before the day appointed for taking the vote, a Judge, upon the application of any person whose name is entered on the list of voters prepared by the clerk, or of any person entitled to be entered on that list, may strike from the list the name of any person who is dead or whose name has been wrongly entered on it, and may add to the list the name of any person whose name has been wrongly omitted from the list, or who, if a tenant, though he had not made the declaration prescribed by subsection 3 of section 265, establishes that he has the qualification prescribed by that section.

Proof of
death.

(2) For the purpose of proving a death, the certificate of the Registrar-General, or of the Division Registrar, shall be sufficient evidence, but if the identity of the person who is dead with the person whose name is sought to be struck off is disputed, or open to reasonable doubt, proof of the identity shall be required.

Rev. Stat.
c. 6.

(3) The proceedings shall be the same, as nearly as may be, as prescribed by subsection 2 of section 23 of *The Ontario Voters' Lists Act*. 3-4 Geo. V. c. 43, s. 267.

Voters' list
where all
municipal
electors
vote.

268. Where all the municipal electors are entitled to vote on the proposed by-law the same lists shall be used in taking the vote as would be the proper voters' list to be used at a municipal election, and such lists shall be as final and conclusive as to the right to vote as when used at a municipal election. 3-4 Geo. V. c. 43, s. 268.

Where rate-
payers
qualified in
more than
one ward.

269. In a municipality divided into wards, a voter shall be entitled to vote on a money by-law in each ward in which he has the prescribed qualification, but shall not be entitled to vote more than once on any other by-law or on any question submitted to the electors unless it is otherwise expressly provided by the Act, by-law, or other authority under which the vote is taken. 3-4 Geo. V. c. 43, s. 269.

Clerk not
to have
casting
vote.

270. The clerk, if otherwise qualified, shall be entitled to vote, but not to give a casting vote. 3-4 Geo. V. c. 43, s. 270.

Form of
ballot
papers.

271. The ballot papers shall be according to Form 20 when the voting is on a by-law, and according to Form 21 when it is on a question. 3-4 Geo. V. c. 43, s. 271.

272. The printed directions to voters shall be according to Form 22. 3-4 Geo. V. c. 43, s. 272. Directions to voters.

273.—(1) Where all the municipal electors are entitled to vote the voter's oath shall be the same *mutatis mutandis* as at a municipal election where the members of the council are elected by general vote. Voter's oath where all municipal electors vote.

(2) In the case of a money by-law a voter shall not be entitled to select the form of oath he will take, but the oath to be taken by him shall be that applicable to his qualification as a freeholder or tenant, as it appears in the list of voters. Voter not entitled to select form of oath.
3-4 Geo. V. c. 43, s. 273.

274. Except as otherwise in this Part provided, Part III shall apply *mutatis mutandis* to voting on a by-law. 3-4 Geo. V. c. 43, s. 274. Application of Part III.

275. After the clerk has summed up the number of votes cast he shall declare the result of the voting and shall forthwith certify to the council the number of votes cast for and against the by-law. 3-4 Geo. V. c. 43, s. 275. Clerk to certify result to council.

276. Subject to section 278, a by-law shall be deemed to have been assented to by the electors if a majority of the votes cast is in-favour of the by-law. 3-4 Geo. V. c. 43, s. 276. Assent of electors, what deemed to be.

277. Where the by-law is proposed to be passed by a county council the proceedings shall be similar to those in the case of a by-law proposed to be passed by the council of a local municipality except that the list of voters for each local municipality shall be prepared by the clerk of it and not by the clerk of the county council, and that the declaration and appointment provided for by subsections 3 and 4 of section 265 shall be filed with the clerk of the local municipality. 3-4 Geo. V. c. 43, s. 277. Procedure in case of a county by-law.

Requisites of Bonus By-laws.

278.—(1) In the case of a by-law for granting a bonus in aid of a railway, or to a waterworks or water company, or for taking stock in, or for lending money to, or for guaranteeing the payment of money borrowed by a railway company, the assent of one-third of all the persons entitled to vote, as well as of a majority of all those voting shall be necessary. Vote required to validate bonuses to railway, waterworks co., etc.

(2) Subject to subsection 3, in the case of a by-law for granting a bonus in aid of a manufacturing industry, the affirmative vote of three-fourths of all the members of the To manufacturing industries.

council and the assent of two-thirds of the electors who vote on the by-law shall be necessary. 3-4 Geo. V. c. 43, s. 278 (1-2).

To iron works, grain elevators, etc.

(3) In the case of a by-law for granting a bonus for the promotion of iron works, rolling mills, works for refining or smelting ore or for the establishment of grain elevators, or in aid of a beet sugar factory, a tobacco drier, an arena, a sanitarium, the assent of one-third of all the persons entitled to vote, as well as of a majority of those voting shall be necessary. 3-4 Geo. V. c. 43, s. 278 (3); 5 Geo. V. c. 34, s. 17; 10-11 Geo. V. c. 58, s. 7 (1); 11 Geo. V. c. 63, s. 5. (1).

Statement by clerk.

(4) In the cases provided for by subsections 1 and 3 the clerk shall add to the prescribed certificate of the result of the voting a statement of the total number of persons entitled to vote upon the by-law. 3-4 Geo. V. c. 43, s. 278 (4).

Scrutiny.

Scrutiny may be had on application to County or District Judge.

279.—(1) Within two weeks after the clerk has declared the result of the voting, any person who was entitled to vote upon the by-law or the council, after giving notice of the application to such persons as the Judge directs, may apply to a Judge of the County or District Court of the county or district in which the municipality is situate for a scrutiny of the votes, and if it is shown by affidavit that there are reasonable grounds for the application, and, if the application is by a person entitled to vote on the by-law, he enters into a recognizance before the Judge and to be allowed by him, in the sum of \$100, with two sureties in the sum of \$50 each, conditioned to prosecute the application with effect, and to pay to any person to whom costs may be awarded, the costs awarded to him, the Judge may order a scrutiny of the votes to be had, and shall appoint a time and place, within the municipality, for proceeding with it.

Notice of time of scrutiny.

(2) At least one week's notice of the time and place appointed, shall be given by the applicant to such persons as the Judge directs, and to the clerk.

Proceedings.

(3) At the time and place appointed, the clerk shall attend before the Judge with the ballot papers, and the Judge after hearing such evidence as he may deem necessary, and the parties, or such of them as attend, or their counsel, shall, in a summary manner, determine whether the by-law has been assented to as required by this Act, and shall forthwith certify the result to the council.

(4) Where it is proved that any person interested in, and promoting or opposing the by-law, was guilty of bribery or of a corrupt practice in respect of a voter who voted on the by-law, or if any person who is disqualified under subsection 1 of section 61 from voting at an election or is disqualified under clause (a) of section 396, is proved to have voted there shall be struck off the number of votes given for the by-law, if the person guilty or so disqualified was promoting the by-law, or given against the by-law if the person guilty or so disqualified was opposing the by-law, one vote for every ballot cast by such voter. Striking off votes for corrupt practices.

(5) The Judge shall have the like power and authority as to all matters arising upon the scrutiny, as would be possessed by him upon a trial of the validity of the election of a member of a council, but shall not have power to set aside the voting on the ground of general bribery or corrupt practices; and the costs shall be in the discretion of the Judge, who may direct by whom, to whom, and in what manner they shall be paid. Powers of Judge. Costs.

(6) The decision of the Judge shall be final and not subject to appeal. 3-4 Geo. V. c. 43, s. 279. No appeal.

Passing By-laws by Council.

280.—(1) Where a proposed by-law, which the council has been legally required by petition or otherwise to submit for the assent of the electors has received such assent, it shall be the duty of the council to pass the by-law, within six weeks after the voting took place. Cases in which council must pass by-law assented to by electors.

(2) In other cases it shall not be incumbent on the council to pass the by-law, but if the council determines to pass it, it shall be passed within six weeks after the voting took place and not afterwards. Discretion of council in other cases.

(3) The by-law in either case shall not be passed until the expiration of two weeks after the result of the voting has been declared, or if within that period an order for a scrutiny has been made, until the result of the scrutiny has been certified by the Judge. Time within which by-law cannot be passed.

(4) The time which intervenes between the making of an application for a scrutiny and the final disposition of it shall not be reckoned as part of the six weeks. 3-4 Geo. V. c. 43, s. 280. Time occupied by scrutiny not to be counted.

Extension
of time
for passing
by-law.

(5) Provided that The Ontario Railway and Municipal Board may in the case of any by-law heretofore passed, or hereafter to be passed, upon the application of the Council extend the time for passing the by-law beyond such period of six weeks, and such extension of time may be made although the application for the same is not made until after the expiration of such period of six weeks, and in such case the by-law may be passed within such extended time. 4 Geo. V. c. 33, s. 7.

Promulgation of By-laws.

Promulga-
tion of
by-laws.

281.—(1) The promulgation of a by-law shall consist in the publication of a true copy of it, with a notice, Form 23, appended thereto, at least once a week for three successive weeks.

Publication.

If not
moved
against
within the
time lim-
ited, to be
valid.

(2) If an application to quash the by-law, or part of it, is not made within three months after the first publication, the by-law, or so much of it as is not the subject of, or is not quashed upon any such application, shall be valid and binding, according to its terms, so far as the same ordains, prescribes or directs anything within the proper competence of the council. 3-4 Geo. V. c. 43, s. 281.

PART XI.

QUASHING BY-LAWS.

Interpreta-
tion.

282. In this Part "by-law" shall include an order or resolution. 3-4 Geo. V. c. 43, s. 282.

Proceedings
to quash
by-law.

283.—(1) The Supreme Court, upon application of a resident of the municipality, or of a person interested in a by-law of its council, may quash the by-law, in whole or in part, for illegality.

Service of
notice.

(2) Notice of the application shall be served at least seven days before the return day of the motion.

Recogniz-
ance.

(3) Before the application is made, the applicant or, if the applicant is a corporation, some person on its behalf, shall enter into a recognizance before a Judge of the County or District Court of the county or district in which the municipality is situate, himself in the sum of \$50, and two sureties each in the sum of \$50, conditioned to prosecute the application with effect, and to pay any costs which may be awarded against the applicant.

(4) The Judge may allow the recognizance upon the sureties making proper affidavits of justification, and after it is allowed, the recognizance with the affidavits shall be filed in the Central Office of the Supreme Court.

Allowance
of recog-
nizance.

(5) In lieu of the recognizance, the applicant may pay into Court \$100, and the certificate of the payment into Court shall be filed in the Central Office.

Deposit in
court in
lieu of
recogniz-
ance.

(6) After the determination of the proceedings, the Judge may order that the money paid into Court be applied in payment of costs, or be paid out to the applicant. 3-4 Geo. V. c. 43, s. 283.

Application
of deposit.

284. A by-law, in respect of the passing of which a violation of any of the provisions of sections 187 to 189 has taken place, may be quashed. 3-4 Geo. V. c. 43, s. 284.

Quashing
by-law for
corrupt
practice.

285.—(1) Where it is alleged that a by-law injuriously affects another municipality or any ratepayer of it, and that the by-law is illegal, in whole or in part, the corporation of such other municipality or any ratepayer of it may apply to quash the by-law.

Application
to quash
by-law
affecting
another
municipi-
pality.

(2) Where the application is made by a municipal corporation, security for costs shall not be required.

No security
required
from muni-
cipality.

(3) Where the application is based upon an allegation of a violation of any of the provisions of sections 187 to 189, either alone or in conjunction with any other ground of objection, the Supreme Court may direct an inquiry as to the alleged violation to be had before a special examiner or a Judge of the County or District Court of the county or district in which the municipality is situate, and the witnesses upon the inquiry shall be examined upon oath.

Inquiry by
county or
district
judge where
corrupt
practices
alleged.

(4) After the completion of the inquiry, the special examiner or the Judge shall return the evidence taken before him to the proper officer of the Supreme Court, and the same may be read in evidence upon the motion to quash.

Return of
evidence to
officer of
Supreme
Court.

(5) Where an order, directing an inquiry, under subsection 3, has been made, and a copy of it has been left with the clerk of the municipality, nothing shall be done under the by-law unless the Supreme Court otherwise orders, until the application is disposed of.

No act to
be done
under by-
law pend-
ing inquiry.

(6) In other cases the Court may direct that nothing shall be done under the by-law until the application is disposed of. 3-4 Geo. V. c. 43, s. 285.

Time for
making
application
to quash.

Exception.

286. An application to quash, in whole or in part, a by-law which has not been promulgated or registered under the provisions of section 296, shall not be entertained unless the application is made within one year after the passing of the by-law, unless it required the assent of the electors, and had not been submitted for, or had not received their assent; but in that case an application may be made at any time. 3-4 Geo. V. c. 43, s. 286.

PART XII.

MONEY BY-LAWS.

"Debt."

287.—(1) In this Part "Debt" shall include liability and the borrowing of money.

"Rateable
property."

Rev. Stat.
c. 195.

(2) "Rateable property" when used in this Act or in any by-law heretofore or hereafter passed which directs the levying of a rate on the rateable property in the municipality or any part of it, shall include income and business assessment as defined by *The Assessment Act*. 3-4 Geo. V. c. 43, s. 287.

Recitals.

288.—(1) A money by-law shall recite:

Amount to
be raised
annually.

(a) The amount of the debt intended to be created, and, in brief and general terms, the object for which it is to be created;

The value
of the
rateable
property.

(b) The amount of the whole rateable property of the municipality according to the last revised assessment roll, or, in the case of a county, the last revised and equalized assessment rolls of the local municipalities of which the county is composed;

Amount of
existing
debt.

(c) The amount of the debenture debt of the corporation, and how much (if any) of the principal or interest is in arrear. 3-4 Geo. V. c. 43, s. 288 (1).

Approval
of Board
of Health.
Rev. Stat.
c. 218.

(d) The approval of the Provincial Board of Health for Ontario as required by subsection 2 of section 95 of *The Public Health Act*, if the by-law be for raising money for any of the purposes mentioned in sections 89 and 94 of that Act. 8 Geo. V. c. 32, s. 4.

(2) The whole debt and the debentures to be issued therefor shall be made payable within the respective periods hereinafter mentioned at furthest from the time when the debentures are issued. When debentures to be made payable.

(a) If the debt is a bonus in aid of a railway or for the promotion of iron works, rolling mills or works for refining or smelting ores, or is for railways, harbour works or improvements, sewers, gas or waterworks, the purchase or improvement of parks or the erection of high, continuation or public school houses, public hospitals and the acquiring of land therefor, or for electric light, heat or power works or water privileges or land used in connection therewith, or for acquiring land for a drillshed or armoury, in thirty years. 3-4 Geo. V. c. 43, s. 288 (2) part; 10-11 Geo. V. c. 58, s. 8.

(b) If the debt is for the establishment of a system of public scavenging or for the collection and disposal of ashes, refuse and garbage, in ten years.

(c) If the debt is for the purchase of road-making machinery and appliances, in five years.

(d) If the debt is for any other purpose, the whole debt, and the debentures to be issued therefor, shall be made payable in twenty years. 3-4 Geo. V. c. 43, s. 288 (2) part.

(3) Where the principal of the debt is made payable at a fixed date with interest payable annually or semi-annually, the by-law shall provide for the raising in each year during the currency of the debentures, or of any set of them, of— Amounts to be raised annually.

(a) A specific sum, sufficient to pay the interest on the debentures, or on any set of them, when, and as it becomes due; and

(b) A specific sum, which, with the estimated interest, at a rate not exceeding 4 per cent. per annum, capitalized yearly, will be sufficient to pay the principal of the debentures, or of any set of them, when, and as it becomes due. 3-4 Geo. V. c. 43, s. 288 (3).

Equal annual instalments of principal and interest.

Multiples of \$100.

(4) Instead of the principal being made payable at a fixed date, with interest, payable annually or semi-annually, the by-law may provide that the principal and the interest shall be combined, and be made payable in, as nearly as possible, equal annual instalments during the period for which the debentures are to run, or that, without combining the principal and interest, the instalments of principal shall be of such amounts that, with the interest in respect of the debt, payable annually or semi-annually, the aggregate amount payable for principal and interest in each year shall be, as nearly as possible, the same. Provided, that each instalment of principal may be for an even \$100, \$500, or \$1,000, or multiple thereof, and notwithstanding anything herein contained, the annual instalments of principal and interest may differ in amount sufficiently to admit thereof. 3-4 Geo. V. c. 43, s. 288 (4); 7 Geo. V. c. 42, s. 3 (1).

Equal instalments of principal with interest on balances.

(4a) Instead of the principal being made payable as hereinbefore in this section provided the by-law may provide that the principal may be repaid in equal annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid. 7 Geo. V. c. 42, s. 3 (2).

Amount to be raised annually.

(5) In the cases provided for by subsection 4 and subsection 4a, the by-law shall provide for raising in each year in which an instalment becomes due, a specific sum sufficient to pay it when and as it becomes due. 3-4 Geo. V. c. 43, s. 288 (5); 7 Geo. V. c. 42, s. 3 (3).

By-law to change mode of issuing debentures.

(6) In the case of a by-law heretofore or hereafter passed the council may by by-law, without the assent of the electors authorize a change in the mode of issue of the debentures, and may provide that the debentures be issued with coupons, instead of in amounts of combined principal and interest or *vice versa*; and where any debentures issued under the by-law have been sold, pledged or hypothecated the council, upon again acquiring them, or at the request of any holder of them, may cancel them, and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures, when to be dated and issued.

(7) All the debentures shall be issued at one time and within two years after the passing of the by-law, unless on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years, and of its being undesirable to have large portions of the money in hand unused and unin-

vested, in the opinion of the council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts, and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

(8) All the debentures shall bear the same date, except Date of debentures. where they are issued in sets, and in that case every debenture of the same set shall bear the same date.

(9) The Municipal Board, on the application of the council or of any person entitled to any of the debentures, or of Extension of time for issue. the proceeds of the sale thereof, may extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

(10) The extension may be made, although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

(11) Unless the by-law names a later day when it is to Day when by-law to take effect. take effect, it shall take effect on the day of its passing. 3-4 Geo. V. c. 43, s. 288 (6-11).

289.—(1) Except where otherwise provided by this or Assent of electors, when required. any other Act, a corporation shall not incur any debt the payment of which is not provided for in the estimates for the current year, unless a by-law of the council authorizing it has been passed with the assent of the electors. 3-4 Geo. V. c. 43, s. 289 (1).

(2) Subsection 1 shall not apply to a by-law passed Exceptions.

(a) Under section 290; or

(b) Under *The Local Improvement Act*; or Rev. Stat. c. 193.

(c) By the council of a county, or of a city which forms part of a county for judicial purposes, for raising money for erecting, rebuilding, enlarging, furnishing and equipping court house and offices to be used in connection therewith, a gaol, a gaol's residence and a registry office, and for acquiring such land and buildings as may be necessary or convenient for such purposes. This clause shall be deemed to have been in force from the 1st day of July, 1913;

- (d) By the council of a city or a separated town for raising such sum as is required to pay its share of the debt of the county as agreed upon or determined by arbitration; or
- (e) By the council of a city with the approval of the Municipal Board for raising such sum as may be required to pay its share of the cost of constructing or reconstructing a bridge over any stream which constitutes a dividing line between the city and any other municipality or of reconstructing any existing bridge within the municipality; but the aggregate amount to be raised for all of such purposes in any one year shall not be more than \$10,000 where the city has a population of not more than 20,000; or \$15,000 where the city has a population of more than 20,000 and not more than 100,000; or \$20,000 where the city has a population of more than 100,000; or
- (f) By the council of any municipality, with the approval of the Municipal Board, for raising such sum as is required to pay the share ordered to be paid by the corporation of the cost of any work constructed under the order of the Board of Railway Commissioners of Canada or of the Municipal Board or of any work or improvement which, in the opinion of the Municipal Board, has been rendered necessary or expedient, owing to the construction of any work ordered by either of the boards; or
- (g) By the council of an urban municipality for raising such sum as may be required for the purchase of a site in the municipality for an armoury or drillshed for any militia or volunteer corps having its headquarters in the municipality, if the by-law is passed by a vote of two-thirds of all the members of the council; or
- (h) By the council of a county for guaranteeing debentures of a local municipality; or
- (i) By the council of a town or village for purchasing fire engines, appliances, apparatus and appurtenances as provided by paragraph 1 of section 407; or
- (j) For borrowing money for any of the purposes mentioned in section 43 or 44 of *The Public*

Schools Act, or section 38 of *The High Schools Act*, or subsection 2 of section 3 of *The Continuation Schools Act*; or

Rev. Stat.
c. 268.
Rev. Stat.
c. 269.

(k) For borrowing a sum not exceeding \$5,000 for the purpose of making a grant to the University of Toronto; or

(l) Under paragraph 11 of section 483; or

(m) For borrowing any sum or incurring any debt which under the provisions of *The Public Health Act* may be borrowed or incurred without the assent of the electors. 3-4 Geo. V. c. 43, s. 289 (2); 5 Geo. V. c. 34, s. 18; 6 Geo. V. c. 39, s. 4.

Rev. Stat.
c. 218.

(3) A municipal corporation may enter into any contract for the supply of a public utility as defined by *The Public Utilities Act*, to the corporation or to the inhabitants thereof for any period not exceeding 10 years in the first instance and for renewing such contract from time to time for further periods not exceeding 10 years at any one time if a by-law setting forth the terms and conditions of such contract has been first submitted to and has received the assent of the municipal electors in the manner provided by this Act. 3-4 Geo. V. c. 43, s. 289 (3).

Contracts
for supply
of a public
utility.
Rev. Stat.
c. 204.

290.—(1) A county council may in any year borrow any sum or sums not exceeding in the whole \$20,000 over and above what is required for its ordinary expenditure and over and above any sum which the council is by this Act or any other Act expressly authorized to borrow without the assent of the electors.

Special
power of
county to
borrow.

(2) Subject to subsection 3 the by-law shall be passed at a meeting specially called for the purpose of considering it, and held not less than six weeks after the first publication of a notice of the day appointed for the meeting which shall be published once a week for four successive weeks, and shall state the amount to be borrowed, and the purpose for which it is to be borrowed.

Passing of
by-law.

(3) The by-law may be passed at any regular or special meeting to which the consideration of it may be adjourned. 3-4 Geo. V. c. 43, s. 290.

291. Where, owing to an advance in the rate of interest between the passing of a money by-law heretofore or hereafter passed, and the sale or other disposal of the debentures,

When rate
of interest
may be
increased.

they or any of them cannot be sold or disposed of, except at a discount involving a substantial reduction in the amount required to be provided, the council may, with the approval of the Municipal Board, and without submitting the same for the assent of the electors, pass a by-law to amend the first-mentioned by-law, by providing for an increased rate of interest, and for a corresponding increase in the amount to be raised annually. 3-4 Geo. V. c. 43, s. 291.

Repeal of
by-law,
when part
only of
money
raised.

292.—(1) Where part only of a sum of money provided for by a by-law has been raised, the council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually.

When to
take effect.

(2) The repealing by-law shall recite the facts on which it is founded, shall be appointed to take effect on the 31st day of December in the year of its passing, shall not affect any rates due, or penalties incurred before that day and shall not take effect until approved by the Municipal Board. 3-4 Geo. V. c. 43, s. 292.

Until debt
paid certain
by-laws
cannot be
repealed.

293. Subject to the next preceding section, after a debt has been contracted under a by-law, the council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source; and shall not alter any such by-law, so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the corporation which has been directed to be applied to such payment. 3-4 Geo. V. c. 43, s. 293.

Penalty for
neglect of
officer to
carry out
by-law.

294. Any officer of a corporation, whose duty it is to carry into effect any of the provisions of a money by-law who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, shall incur a penalty not exceeding \$100. 3-4 Geo. V. c. 43, s. 294.

Application
for approval
of by-law
by Muni-
cipal Board.

295.—(1) The council of a municipality which has heretofore passed or shall hereafter pass a money by-law, or a by-law imposing a special assessment or a special rate under this or any other Act, or the holder of any debenture issued under any such by-law or any person entitled to receive any of such debentures or of the proceeds of the sale thereof, may apply to the Municipal Board for a certificate approving the by-law.

Certificate
not to be
granted
while pro-
ceedings
pending.

(2) A certificate shall not be granted while any action or proceeding in which the validity of the by-law is called in question, or by which it is sought to quash it, is pending, or

until thirty days after the final passing of the by-law, unless notice of the application shall be given in such manner and to such persons, if any, as the Board may direct.

(3) The Board may grant the certificate notwithstanding any irregularity in the proceedings prior to the final passing of the by-law or in the by-law itself, or where the by-law has been amended by the council to conform with the provisions of the Act under the authority of which it was passed, and except in the case provided for by section 291, the burden on the ratepayers is not increased by the amending by-law, if in the opinion of the Board the provisions of the Act under the authority of which the by-law was assumed to be passed have been substantially complied with. 3-4 Geo. V. c. 43, s. 295 (1-3).

Board may grant certificate upon proof of substantial compliance with law.

(3a) In the case of a by-law for raising money for any of the works or purposes mentioned in sections 89 and 94 of *The Public Health Act*, the Board may, upon the presentation of a certificate of the Provincial Board of Health approving the said works, grant a certificate approving the by-law, notwithstanding that the certificate of approval by the Provincial Board of Health was not obtained prior to the passing of the by-law, or that the by-law does not contain a recital of such approval. This subsection shall be deemed to have been in force since 24th March, 1911. 4 Geo. V. c. 33, s. 8.

Approval of by-laws in matters requiring approval of Board of Health.

(4) Every by-law approved by the Board and the debentures issued or which may thereafter be issued in substantial conformity with its provisions, shall be valid and binding upon the corporation and upon the property liable for the rate imposed by or under the authority of the by-law, and the validity of the by-law and of every such debenture shall not thereafter be open to question in any court.

By-law and debentures not to be open to question after approval.

(5) Where a by-law has been approved the Board may also approve the debentures issued or which may thereafter be issued under the authority of the by-law, and every debenture so approved shall be valid and binding upon the corporation and upon the property liable for the rate imposed by or under the authority of the by-law and the validity of any debenture so approved shall not be open to question in any court.

Approval of debentures.

(6) The certificate may be in the following form:

"In pursuance of *The Municipal Act*, the Ontario Railway and Municipal Board hereby certifies that the within by-law (or debenture) is valid and binding, and that its validity is not open to be questioned in any court on any ground whatever.

Dated.
(Seal.)

Chairman."

Form of certificate.

3-4 Geo. V. c. 43, s. 295 (4-6).

Registration of Money By-Laws.

Money by-laws to be registered.

296.—(1) Within four weeks after the passing of a money by-law the clerk shall register a duplicate original or a copy of it certified under his hand and the seal of the corporation, in the case of a county, in the registry division in which the county town is situate, and, in the case of a local municipality, in the registry division in which it is situate, or if the municipality comprises parts of two or more registry divisions in either of them.

Penalty.

(2) A clerk who neglects to perform within the prescribed period the duty imposed upon him by subsection 1 shall incur a penalty of \$200, recoverable by action, and, in default of payment, shall be liable to imprisonment for such period not exceeding twelve months, as the Court may direct.

Publication of notice.

(3) Notice, Form 24, of the registration of every such by-law, except a by-law which has received the assent of the electors, or a by-law mentioned in subsection 4 shall immediately after its registration be published at least once a week for three successive weeks.

Exception as to certain by-laws. Rev. Stat. c. 198. Rev. Stat. c. 193.

(4) It shall not be obligatory to register a by-law for the issue of debentures passed under *The Municipal Drainage Act* or under *The Local Improvement Act*. 3-4 Geo. V. c. 43, s. 296 (1-4).

Application to quash registered by-law—when to be made.

(5) Every by-law registered in accordance with the provisions of subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures shall be valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws to which subsection 4 applies, and in the case of other by-laws, within three months after the registration or where publication of the notice provided for by subsection 3 is required within three months after the first publication of the notice, an application or action to quash the by-law is made to or brought in a Court of competent jurisdiction, and a certificate under the hand of the proper officer of the Court and its seal, stating that such application has been made or action brought is registered in such registry office within such period of three months, or one month as the case may be. 3-4 Geo. V. c. 43, s. 296 (5); 5 Geo. V. c. 34, s. 19 (1).

Time when by-law to be valid and binding.

(6) After the expiration of the period prescribed by subsection 5, if no application or action to quash the by-law is made or brought, the by-law shall be valid and binding according to its terms.

(6a) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 5, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, shall after the expiration of that period be valid and binding according to its terms.

(6b) If the application or action is dismissed in whole or in part a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 5, if it has not already expired, the by-law, or so much of it as is not quashed shall be valid and binding according to its terms. 5 Geo. V. c. 34, s. 19 (2).

(7) Nothing in this section shall make valid a by-law, which requires, but has not received, the assent of the electors, or a by-law where it appears on the face of it that any of the provisions of subsections 2, 3, 4 and 6 of section 288 have not been substantially complied with. 3-4 Geo. V. c. 43, s. 296 (7). Illegal by-laws not validated.

(8) Failure to register a by-law or to publish notice of the registration of a by-law, as prescribed by this section, shall not invalidate it. 3-4 Geo. V. c. 43, s. 296 (8); 5 Geo. V. c. 34, s. 19 (3).

PART XIII.

YEARLY RATES AND ESTIMATES.

297.—(1) Subject to subsection 13 of section 397, the council of every municipality shall in each year assess and levy on the whole rateable property within the municipality a sum sufficient to pay all debts of the corporation, whether of principal or interest, falling due within the year, but shall not assess and levy in any year more than two and a half cents in the dollar on the assessed value of such property according to the last revised assessment roll, exclusive of school and local improvement rates and exclusive of any rate not exceeding two mills in the dollar for granting aid to public hospitals for the purposes mentioned in paragraph 27 of section 398. 3-4 Geo. V. c. 43, s. 297 (1); 7 Geo. V. c. 42, s. 4; 11 Geo. V. c. 63, s. 6 (2). Yearly rates to be levied, sufficient to pay all debts payable within the year. Limit of rates.

Where
aggregate
rates in-
sufficient.

(2) If the aggregate amount of the rates necessary for payment of the current annual expenditure of the corporation, and the principal and interest of such debts exceeds the rate mentioned in subsection 1, the council shall assess and levy such further sum as may be necessary to discharge such debts, but shall not contract any further debt until the annual rates are reduced to that rate. 3-4 Geo. V. c. 43, s. 297 (2).

Estimates
to be made
annually.

298.—(1) The council of every municipality shall, in each year, prepare estimates of all sums required for the purposes of the municipality during such year, making due allowance for the cost of collection, and for the abatement of taxes and for taxes which may not be collected.

By-laws
for levy-
ing rates.

(2) One by-law or several by-laws for assessing and levying the rates may be passed as the council may deem expedient. 3-4 Geo. V. c. 43, s. 298.

If the
amount col-
lected falls
short.

Estimates
may be
reduced.

299.—(1) Where the amount collected falls short of the sum required, the council may direct that the deficiency be made up from any unappropriated fund, or, if there is no such fund, the deficiency may be deducted proportionately from the sums estimated, or from any one or more of them.

When sums
collected
exceed
estimate.

(2) Where the amount collected exceeds the estimates, the surplus shall form part of the general funds, and shall be at the disposal of the council, unless otherwise specially appropriated. 3-4 Geo. V. c. 43, s. 299.

Rates to
be due on
January 1st.

300. The rates imposed for any year shall be deemed to have been imposed and to be due on and from the 1st day of January of such year unless otherwise expressly provided by the by-law by which they are imposed. 3-4 Geo. V. c. 43, s. 300.

PART XIV.

RESPECTING FINANCES.

Accounts and Investments

Accounts,
how to be
kept.

301. Every council shall keep a separate account of every debt and shall also keep two additional accounts in respect thereof, one for the interest and the other for the sinking fund or the instalments of principal, and both to be distinguished from all other accounts by a prefix designating the purpose for which the debt was contracted; and the

accounts shall be kept so as to exhibit at all times the state of every debt, and the amount of money raised, obtained, and appropriated for payment of it. 3-4 Geo. V. c. 43, s. 301.

302.—(1) If, in any year, after paying the interest, and appropriating the necessary sum to the sinking fund, or in payment of the instalments there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or for the sinking fund, or in payment of the principal.

Application of surplus money.

(2) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the corporation.

Money levied for a sinking fund not to be diverted.

(3) If the council applies any of such money in paying current or other expenditure, the members who vote for such application shall be personally liable for the amount so applied, which may be recovered in any Court of competent jurisdiction.

Liability of members for diversion of sinking fund.

(4) If the council, upon the request in writing of a ratepayer, refuses or neglects for one month to bring an action therefor, the action may be brought by any ratepayer on behalf of himself and all other ratepayers.

Action by ratepayer.

(5) The members who vote for such application shall be disqualified from holding any municipal office for two years.

Disqualification.

(6) The treasurer of a municipality in which any sum is required by law to be raised for a sinking fund, shall prepare and lay before the council in every year, previous to the striking of the annual rate, a statement showing what amount will be required for that purpose.

Statement of treasurer as to amount required for sinking fund.

(7) For every contravention of subsection 6, the treasurer shall incur a penalty not exceeding \$25.

Penalty.

(8) If the council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the council shall be disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. 3-4 Geo. V. c. 43, s. 302.

Penalty where council neglects to levy for sinking fund.

303. Subject to the provisions of sections 304 and 305, the council shall invest the sinking fund in such securities as a trustee may invest in under *The Trustee Act*, or with the approval of the Municipal Board in any debentures of the corporation. 3-4 Geo. V. c. 43, s. 303.

Investment of sinking fund.
Rev. Stat. c. 121.

Redemption
of debentures
with sinking
fund.

304. The Municipal Board, on the application of a council, may direct that any part of the sinking fund, instead of being invested as hereinbefore provided, shall, from time to time, be applied to the redemption of any of the debentures, to the payment of which such sinking fund is applicable, to be selected as provided by the order of the Board, at such value as may be agreed on by the council and the holders of the debentures. 3-4 Geo. V. c. 43, s. 304.

Payment
of sinking
fund into
Provincial
Treasury.

305.—(1) A council may provide by a money by-law that the annual amount to be levied on account of the sinking fund shall be paid by the treasurer of the municipality to the Treasurer of Ontario, and if the by-law does not provide for such payment the council may pass a by-law providing therefor.

Treasurer
may allow
interest on
funds in
his hands.

(2) Where a council avails itself of the right conferred by the next preceding subsection, the Treasurer of Ontario may receive from the treasurer of the municipality the annual amounts so levied on account of the sinking fund and allow and credit the municipality with interest thereon at the rate of four per cent. per annum, compounded yearly until the time when the debentures to which the sinking fund is applicable become payable and the sinking fund is required for their redemption.

Money so
received to
form part
of Con-
solidated
Revenue.

(3) All money received by the Treasurer of Ontario under the provisions of this section shall form part of the Consolidated Revenue Fund, and a statement of the amount at the credit of each municipality shall be set forth annually in the Public Accounts of Ontario.

Sinking
fund may be
invested in
the debentures
to be
redeemed.

(4) The Treasurer of Ontario may invest the amount at the credit of a municipality or any part thereof in the debentures of such municipality, to redeem which such sinking funds were paid to the Treasurer.

Amount
payable
into sinking
fund to be
a debt to
the treasurer.

(5) The amount payable in any year into the sinking fund which under the provisions of the by-law is to be paid to the Treasurer of Ontario shall be deemed a debt due to him, and in default of payment thereof he may sue therefor in his own name as for a debt due to the Crown in any Court of competent jurisdiction. 3-4 Geo. V. c. 43, s. 305.

Disposition
of sinking
fund paid
to treasurer.

(6) Upon the maturity of the debentures to redeem which a sinking fund has been paid to the Treasurer, the amount to the credit of the sinking fund shall be payable out of the Consolidated Revenue Fund upon the order of the Treasurer to the holder of the debentures or to his agent or into a bank or otherwise according to the tenor of the debentures or as the Treasurer may direct. 5 Geo. V. c. 34, s. 20.

306. Every corporation the council of which shall here-
after pass a money by-law shall within thirty days after the
final passing of the by-law transmit a certified copy of it to
the Treasurer of Ontario. 3-4 Geo. V. c. 43, s. 306.

Money
by-laws to
be sent to
Provincial
Treasurer.

307. Where by any by-law heretofore or hereafter passed
provision is made for raising a sinking fund to meet the
debentures to be issued under the authority of the by-law
the council in each year in which a sinking fund is required
to be raised shall transmit to the Treasurer of Ontario a
return showing whether the sinking fund for the year has
been raised and how it has been applied or dealt with, and
the state of the investment of any part of the sinking fund
theretofore collected, which return shall be verified by the
affidavit or statutory declaration of the head and the treasurer
of the municipality. 3-4 Geo. V. c. 43, s. 307.

Annual re-
turn as to
sinking
fund.

308. A corporation the council of which does not comply
with the provisions of the next two preceding sections shall
incur a penalty not exceeding \$100. 3-4 Geo. V. c. 43, s.
308.

Penalty.

309.—(1) Where a corporation has surplus money de-
rived from "The Ontario Municipalities Fund," or from
any other source, the council may set it apart for educational
purposes and may invest it as well as any other money held
by the corporation for, or appropriated by it to such purposes,
in the securities mentioned in section 303, or may lend the
same to any board of public school trustees in the municipi-
lity for such term and at such rate of interest as may be
agreed upon, or may apply any part of such money in aid of
poor school sections in the municipality. 3-4 Geo. V. c. 43,
s. 309.

Certain
money may
be set apart
for educa-
tional pur-
poses.

Investment
of same.

310. The council of a township may apportion, among
the public school sections in the township, the principal or
interest of any investments for public school purposes, ac-
cording to the salaries paid to the teachers, or the average
attendance of pupils in the respective school sections during
the next preceding year, or according to the assessed value
of the property in the section, or by an equal division among
the sections. 3-4 Geo. V. c. 43, s. 310.

Apportion-
ment of pub-
lic school
money
among
school sec-
tions in
townships.

311. A member of a council shall not take part in, or be
a party to, the investment of any such money, otherwise than
as authorized by this Act; and, if he does so, he shall be
personally liable for any loss sustained by the corporation in
respect of the investment. 3-4 Geo. V. c. 43, s. 310.

Prohibition
as to un-
authorized
investment.

Council to
make
annual
report of
debts to
Bureau of
Industries.

312.—(1) Every corporation shall, on or before the 31st day of January in each year, transmit to the Secretary of the Bureau of Industries in such form as may be prescribed by the Lieutenant-Governor in Council a statement as to the debts of the corporation, as they stood on the preceding 31st day of December, specifying, in regard to each debt of which any part remained unpaid on that day,

- (a) The original amount of the debt;
- (b) The date when it was contracted;
- (c) The time fixed for its payment;
- (d) The interest payable;
- (e) The amount to be raised annually for the payment of the debt and interest, or the instalments of them;
- (f) The amount actually raised in the year ended on the 31st day of December;
- (g) The part (if any) of the debt redeemed or paid during that year;
- (h) The amount of interest (if any) unpaid on that day; and
- (i) The amount of principal still unpaid.

Penalty.

(2) For every contravention of subsection 1 the corporation shall incur a penalty not exceeding \$40. 3-4 Geo. V. c. 43, s. 312.

Commission of Inquiry Into Finances.

When a
commission
of inquiry
may issue.

313.—(1) The Lieutenant-Governor in Council, on the application of one-third of the members of a council or of thirty municipal electors, may issue a commission to inquire into the financial affairs of the corporation and any matter connected therewith and the commissioner shall have all the powers which may be conferred on commissioners appointed under *The Public Inquiries Act*.

Rev. Stat.
c. 18.

Expenses of
commission.

(2) The expenses of and incidental to the execution of the commission shall be determined and certified by the Treasurer of Ontario, and shall thereupon become a debt due by the corporation to the commissioner, payable within three months after demand therefor. 3-4 Geo. V. c. 43, s. 313.

Debentures.

314.—(1) Subject to subsection 2a a debenture or other like instrument shall be sealed with the seal of the corporation, and signed by the head of the council, or by some other person authorized by by-law to sign it, and by the treasurer. 3-4 Geo. V. c. 43, s. 314 (1); 4 Geo. V. c. 33, s. 9 (1). Debentures, how to be executed.

(2) A debenture may have coupons for the interest attached to it which shall be signed by the treasurer and his signature to them may be written, stamped, lithographed or engraved. 3-4 Geo. V. c. 43, s. 314 (2). Execution of coupons.

(2a) In a city having a population of not less than 200,000, the signature of the head of the council of the said corporation to all debentures or other like instruments issued by the said corporation may be written, stamped, lithographed or engraved. 4 Geo. V. c. 33, s. 9 (2). Execution of debentures.

(3) A debenture may be made payable to bearer or to a named person or bearer and the full amount of it shall be recoverable notwithstanding its negotiation by the corporation at a discount. 3-4 Geo. V. c. 43, s. 314 (3). Full amount of debentures sold at a discount recoverable.

315. Where the interest for one year or more on the debentures issued under a by-law heretofore or hereafter passed and the principal of any debenture which has matured has been paid by the corporation the by-law and the debentures issued under it shall be valid and binding upon the corporation. 3-4 Geo. V. c. 43, s. 315. Debentures on which payment has been made for one year to be valid.

316.—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:— Mode of transfer may be prescribed.

"This debenture, or any interest therein, shall not, after a certificate of ownership has been indorsed thereon by the treasurer of this corporation, be transferable, except by entry by the treasurer or his deputy in the Debenture Registry Book of the Corporation at the
of
,"

the treasurer, on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate which is subsequently given and shall also enter in such book a memorandum of every transfer of such debenture. Debenture registry book.

(2) A certificate of ownership shall not be endorsed on a debenture, except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, which authority shall be retained and filed by the treasurer. Requirements as to endorsing certificate of ownership.

Transfer
by entry
in registry
book.

(3) After a certificate of ownership has been endorsed the debenture shall be transferable only by entry by the treasurer or his deputy in the Debenture Registry Book, as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney. 3-4 Geo. V. c. 43, s. 316.

Borrowing
by hypothecation of
debentures.

317.—(1) A Council, pending the sale of a debenture, or in lieu of selling it, may, by by-law or resolution authorize the head and treasurer to raise money by way of loan on such debenture and to hypothecate it for the loan.

Application
of proceeds
of loan.

(2) The proceeds of every such loan shall be applied to the purposes for which the debenture was issued, but the lender shall not be bound to see to the application of the proceeds, and, if the debenture is subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan. 3-4 Geo. V. c. 43, s. 317.

Debentures,
etc., not to
be for less
sums than
\$50.

318.—(1) Subject to subsection 2 a corporation shall not make or give any bond, bill, note, debenture or other undertaking for the payment of a less amount than \$50; and any such bond, bill, note, or debenture, shall be void. 3-4 Geo. V. c. 43, s. 318 (1); 9 Geo. V. c. 46, s. 8 (1).

Proviso as
to debentures
issued for sums
which include
principal
and interest.

(2) A debenture heretofore or hereafter issued under the authority of any by-law, providing for payment of principal and interest together yearly so computed and apportioned that the sum of both principal and interest is an equal annual sum of not less than \$50, whether the debenture is issued with or without coupons, shall be deemed to be a debenture of not less than \$50 within the meaning of this section, and all debentures heretofore or hereafter so issued under such a by-law and otherwise legal shall be valid. 3-4 Geo. V. c. 43, s. 318 (2); 9 Geo. V. c. 46, s. 8 (2).

Temporary Loans.

Borrowing
sums for
current expenditure.

319.—(1) A council may either before or after the passing of the by-law for imposing the rates for the current year, authorize the head and treasurer to borrow on such security, if any, as the by-law may authorize, such sums as the council may deem necessary to meet the current ordinary expenditure of the corporation, and the sums required to be raised in the current year for High and Public School purposes until the taxes are collected.

Limit of
borrowing
power.

(2) The amount so borrowed and outstanding shall not at any time exceed in the case of a county the amount required to be provided for by the county rate for the current year.

and in the case of a local municipality the following percentages of its ordinary expenditure for the next preceding year, together with the amount required to be raised for High and Public School purposes for the current year;

(a) In the case of a town, village or township, any part of which is situate within 2 miles of a city having a population of not less than 100,000—80 per cent.;

(b) In the case of a city and of any other town, village or township—90 per cent.

(3) If the council authorizes the borrowing of any larger sum, every member who votes therefor shall be disqualified from holding any municipal office for two years. Disqualification of members voting to exceed limit.

(4) The lender shall not be bound to establish the necessity of borrowing the sum lent. 3-4 Geo. V. c. 43, s. 319. Lender not put on inquiry.

319a. Where by this or any other Act power is conferred on a municipal corporation to borrow money for any purpose without the assent of the electors, it shall include not only the power to borrow money by the issue of debentures but also the power to agree with any bank or person for temporary advances to meet the expenditure incurred from time to time for such purpose. 4 Geo. V. c. 33, s. 10. Temporary advances to meet cost of works.

320. When a corporation has heretofore guaranteed or hereafter guarantees the payment of the principal or interest of any bonds or debentures and default is made in payment of the principal or interest by the person primarily liable therefor, the council of such corporation may agree with any bank or person for temporary advances to meet the amount in default in any one year pending the collection of such amount by a rate on all the rateable property in the municipality, or where the guarantee is by or on behalf of a section or portion of a township, by a rate on all the rateable property in such section or portion. 3-4 Geo. V. c. 43, s. 320. Power to borrow to meet guarantee of debentures.

PART XV.

ACQUISITION OF LAND AND COMPENSATION.

*Land Taken or Injuriouslly Affected.***321.** In this Part:Interpreta-
tion."Expropri-
ation."

"Land."

"Owner."

"The
Judge."

(a) "Expropriation" shall mean taking without the consent of the owner, and "Expropriate" and "Expropriating" shall have a corresponding meaning.

(b) "Land" shall include a right or interest in, and an easement over, land;

(c) "Owner" shall include mortgagee, lessee, tenant, occupant, and a person entitled to a limited estate or interest in land, a trustee in whom land is vested, a committee of the estate of a lunatic, an executor, an administrator, and a guardian. 3-4 Geo. V. c. 43, s. 321 (a-c).

(d) "The Judge" shall mean, in the case of an arbitration as to the compensation for land expropriated, or for injuriously affecting land, or where leave to enter on such land is desired under section 324, a Judge of the County or District Court of the county or district in which the land or any part of it is situate, and in the case of any other arbitration, if the corporation of one municipality only is a party to it, a Judge of the County or District Court of the county or district in which the municipality, if it is a local municipality, is situate, or, if it is a county, of that county, and if the corporations of two or more municipalities are parties to the arbitration, a Judge of the Supreme Court. 3-4 Geo. V. c. 43, s. 321 (d); 7 Geo. V. c. 42, s. 5.

Power to
acquire or
expropriate
land.

322.—(1) The council of every corporation may pass by-laws for acquiring or expropriating any land required for the purposes of the corporation, and for erecting buildings thereon, and may sell or otherwise dispose of the same when no longer so required.

Taking
more land
than re-
quired.

(2) Where in the exercise of its powers of acquiring or expropriating land it appears to the council that it can acquire a larger quantity of land from any particular owner at a more reasonable price and on terms more advantageous

than those upon which it could obtain the part immediately required for its purposes, the council may acquire or expropriate such larger quantity and may afterwards sell and dispose of so much of it as is not so required.

(3) A by-law for entering on or expropriating land shall contain a description of the land, and, if it is proposed to expropriate an easement or other right in the nature of an easement, a statement of the nature and extent of the easement to be expropriated. 3-4 Geo. V. c. 43, s. 322.

Land to be described in by-law, etc.

322a—(1) Any land acquired or taken by a corporation in exercise of the powers conferred by any general or special Act in excess of the land actually required for the opening, widening, extension or straightening of a highway may be used in or towards making compensation by way of restitution to the owner of other land taken for or in connection with the work, and the corporation may lawfully exercise such powers in pursuance of an agreement to that effect with such owner or with a view to making or proposing to make such an agreement.

Power to use excess land by way of compensation to owners.

(2) If in any arbitration proceeding to fix compensation for land taken by it the corporation shall offer to transfer or assure additional or other land to the owner by way of enlarging the remainder of his parcel or in substitution for his parcel such offer shall be taken into account by the arbitrators and dealt with in the award, and if the award is based on such transfer being made the offer shall be binding on the corporation in the terms fixed by the award (subject to any right of appeal) and the offer and final award shall together constitute an agreement between the parties and the owner shall be entitled to have such additional or substituted land assured him in accordance therewith.

Offer to transfer excess land by way of compensation to be considered by arbitrators; award to be binding.

(3) In such case upon the application of the corporation or of any interested party the Municipal Board may make such orders to compel the taking by the corporation of such additional land for the purposes of the agreement and concerning the compensation payable thereon and as to the vesting of the title to the land in accordance with the agreement as may be necessary to protect and enforce the rights of all parties interested. 11 Geo. V. c. 63. s. 4.

Power of Municipal Board to order performance of agreement.

323. The determination of a council as to the time when, the manner in which, the price for which or the person to whom any property of the corporation, which the council may lawfully sell, shall be sold, shall not be open to question, review, or control by any Court, if the purchaser is a person who may lawfully buy, and the council acted in good faith. 3-4 Geo. V. c. 43, s. 323.

Sale of land by council, when not to be open to question.

Power to enter on land after expropriation by-law passed.

324.—(1) At any time after the passing of a by-law for entering on or expropriating land, the corporation, by leave of the Judge and upon payment into the Supreme Court of a sum sufficient, in the opinion of the Judge, to satisfy the compensation, may enter upon the land, and, if any resistance or forcible opposition is made to its so doing, the Judge may issue his warrant to the Sheriff of the County or District in which the land lies to put the corporation in possession, and to put down such resistance or opposition which the Sheriff, taking with him sufficient assistance, shall accordingly do. 3-4 Geo. V. c. 43, s. 324 (1).

When leave and payment into court not required.

(2) Leave of the Judge and payment into Court shall not be necessary where the land is being expropriated for or in connection with the opening, widening, protecting from the erosion of streams or water, altering or diverting a highway unless upon application by the owner a Judge of the Supreme Court otherwise directs. 3-4 Geo. V. c. 43, s. 324 (2); 9 Geo. V. c. 46, s. 9.

Owners of lands taken, etc., by corporation, etc., to be compensated.

325.—(1) Where land is expropriated for the purposes of a corporation, or is injuriously affected by the exercise of any of the powers of a corporation or of the council thereof, under the authority of this Act or under the authority of any general or special Act, unless it is otherwise expressly provided by such general or special Act, the corporation shall make due compensation to the owner for the land expropriated, or where it is injuriously affected by the exercise of such powers for the damages necessarily resulting therefrom, beyond any advantage which the owner may derive from any work, for the purposes of, or in connection with which the land is injuriously affected.

Arbitration.

(2) The amount of the compensation, if not mutually agreed upon, shall be determined by arbitration.

Fencing.

(3) Where fencing or additional fencing will become necessary, owing to land having been expropriated, the cost of it shall be included in the compensation.

Damages resulting from severance.

(4) Where part only of the land of an owner is expropriated, there shall be included in the compensation a sum sufficient to compensate him for any damages directly resulting from severance. 3-4 Geo. V, c. 43, s. 325.

Claim for compensation, when and how to be made.

326.—(1) Except where the person entitled to the compensation is an infant, a lunatic, or of unsound mind, a claim for compensation for damages resulting from his land being injuriously affected shall be made in writing, with par-

ticulars of the claim, within one year after the injury was sustained, or after it became known to such person, and, if not so made, the right to compensation shall be forever barred.

(2) In the case of an infant, a lunatic, or a person of unsound mind, the claim shall be so made within the same period, or within one year after he ceased to be under the disability, whichever shall be the longer, or in case of his death while under the disability within one year after his death, and, if not so made, the right to compensation shall be forever barred.

Case of infant, lunatic, etc.

(3) This section shall not apply where the expropriating by-law provides for acquiring an easement or right in the nature of an easement, and the damages arise from the exercise of such easement or right. 3-4 Geo. V. c. 43, s. 326.

Exception as to acquiring easement.

327.—(1) If the owner of the land is unknown, or cannot be found, or if there is no person competent to contract with the corporation for the sale to it of the land, and to convey it to the corporation, the Judge may, on the application of the corporation, appoint a person to act for the owner, and all acts done, contracts made, and conveyances executed by such person, shall be as valid and effectual as if the same were done, made or executed by the owner, and he were of full age and competent to do the act, make the contract or execute the conveyance.

Appointment of person to act for owner who is unknown or cannot be found.

(2) In the cases provided for by subsection 1, the amount of the compensation agreed upon or awarded shall be paid into the Supreme Court, with the privity of the Accountant of the Supreme Court, subject to further order. 3-4 Geo. V. c. 43, s. 327.

Payment of compensation into court.

328. The compensation shall stand in the place of the land, and shall be subject to the limitations and charges, if any, to which the land was subject; and any claim to or incumbrance upon the land, or any part of it, as against the corporation, shall be converted into a claim upon the compensation. 3-4 Geo. V. c. 43, s. 328.

Compensation to stand in the stead of land.

329.—(1) Where it is made to appear to a Judge of the Supreme Court that for any reason it is proper that the compensation should be paid into Court, the Judge may give leave to the corporation to pay it into Court, with interest at the rate of six per cent. per annum for six months.

Interest on compensation.

Notice of
payment
into court.

(2) Notice of the payment into Court, and calling upon all persons entitled to the land, or any part of it, to file their claims to the compensation, or any part of it, shall be published in such newspaper and for such time as the Judge may direct.

Claims, how
determined.

(3) All claims to or upon the compensation shall be determined by a Judge of the Supreme Court or in such manner as he may direct.

Costs.

(4) The costs of the proceedings, including allowances to witnesses, shall be paid by the corporation or by such person as the Judge may direct;

Refund of
interest.

(5) If an order for distribution is obtained in less than three months from the payment into Court the Judge may direct a proportionate part of the interest to be returned to the corporation.

Payment
into court
to discharge
corporation.

(6) The payment into Court shall discharge the corporation from all liability in respect of the compensation. 3-4 Geo. V. c. 43, s. 329.

Order vest-
ing land in
corporation.

330. After payment into Court of the compensation, a Judge of the Supreme Court may, upon the application of the corporation, make an order, vesting in the corporation the land in respect of which the compensation was payable, and the order shall have the same effect as a vesting order made under the provisions of *The Judicature Act*. 3-4 Geo. V. c. 43, s. 330.

Rev. Stat.
c. 56.

Taking, etc.,
lands for
public work.
Filing plans
and speci-
fications.

331.—(1) Where the council of a city or town is desirous of entering upon any work or undertaking, for which land is required to be expropriated, or, in the execution of which, land may be injuriously affected, the council may file, in the office of the clerk, plans and specifications of the work or undertaking, which shall show the names of the owners of the land to be affected, the land to be expropriated, and the nature and extent of any easement, or right in the nature of an easement, to be acquired, or certified copies of such plans, and specifications.

Service of
notice of
intention to
construct
works, etc.

(2) The clerk shall cause to be served upon every owner of land to be expropriated, or which may be injuriously affected, a notice of the council's intention to proceed with the work or undertaking, and to expropriate the land necessary therefor, and that such plans and specifications may be inspected at his office, and that any claim for compensation on account of the land being injuriously affected must be

Filing of
claim.

filed in his office, with a statement of the amount claimed, within sixty days, or, if the person served resides out of Ontario, within ninety days, from the service of the notice.

(3) If a claim is not so filed within the period mentioned in subsection 2, it shall be forever barred, unless, upon application to a Judge of the Supreme Court, made not later than one year from the service of the notice, and, after seven days' notice to the corporation, the Judge allows the claim to be made. Claim not filed to be barred.

(4) Either party may appeal from the decision of the Judge to a Divisional Court. Appeal.

(5) Nothing in this section shall have the effect of barring a claim, if the plans and specifications filed do not disclose or sufficiently disclose that the injury in respect of which the claim is made will be caused by the work or undertaking. Claims not barred where plans insufficient.

(6) This section shall not apply to the claim of an infant, a lunatic or a person of unsound mind, or where the expropriating by-law provides for acquiring an easement or right in the nature of an easement and the land is injuriously affected by the exercise of such easement or right. 3-4 Geo. V, c. 43, s. 331. For claims of infants, lunatics, etc.

PART XVI.

ARBITRATIONS.

332. The provisions of this Part shall be subject to *The Municipal Arbitrations Act.* 3-4 Geo. V. c. 43, s. 332. Application of certain Acts. Rev. Stat. c. 199.

333. Except where otherwise provided, *The Arbitration Act* shall apply to an arbitration under this Act. 3-4 Geo. V. c. 43, s. 333. Rev. Stat. c. 65.

334. In case of an arbitration as to compensation where more persons than one are interested, but have distinct interests in the land, whether or not they are all interested in the same parcel, or some or one in one part of it, and some or one in another part, the council may by the expropriating by-law or by any subsequent by-law provide that the claims of all such persons shall be determined by one and the same arbitration. 3-4 Geo. V. c. 43, s. 334. In case several persons interested in property taken, etc.

335.—(1) Subject to section 339 and to subsection 7 of this section where an arbitration is directed or authorized Appointment of arbitrators.

by this Act, either party may appoint his arbitrator, and give notice thereof in writing to the other party, calling upon him to appoint his arbitrator.

Service of
copy of
expropriat-
ing by-law.

(2) Where the arbitration is as to compensation and the notice is given by the corporation there shall be served with it a copy of the expropriating by-law, certified under the hand of the clerk and the seal of the corporation to be a true copy.

Manner of
appointing
arbitrator.

(3) The appointment of an arbitrator shall be in writing, and, in the case of a municipal corporation, shall be by by-law of the council, or by the head, or a member of the council, if authorized by by-law to make the appointment.

Appointment
by party
notified.

(4) The party notified, except in the case provided for by subsection 5, shall within seven days after service of the notice on him appoint his arbitrator and give notice to the other party of the appointment.

Where
several
persons
interested.

(5) In the case provided for by section 334 the persons interested shall within 21 days after service of the notice on them agree upon and appoint their arbitrator and give notice to the other party to the arbitration of the appointment.

Appointment
of third
arbitrator
by appointed
arbitrators.

(6) The arbitrators shall, within seven days from the appointment of the last appointed of them, appoint by writing a third arbitrator.

Where more
than two
municipal-
ties inter-
ested.

(7) Where more than two municipal corporations are interested, each shall appoint an arbitrator, and, if there is an equality of arbitrators, the arbitrators so appointed shall appoint another arbitrator, or in default at the expiration of twenty-one days after the last of such arbitrators was appointed, the Municipal Board may, on the application of any one of the corporations interested, appoint the other arbitrator. 3-4 Geo. V. c. 43, s. 335.

Appoint-
ment of
arbitrator
by Judge.

336.—(1) Except in the case provided for by subsection 7 of section 335, if an arbitrator is not appointed by the party notified within seven days, or in the case provided for by section 334 within twenty-one days after notice to appoint an arbitrator, or, if the two arbitrators appointed do not, within seven days from the appointment of the last appointed one of them, appoint a third arbitrator, the Judge, on the application of either party, and on notice to the other, shall appoint as arbitrator, or third arbitrator, a fit person to act for the party who has failed to appoint, or as such third arbitrator.

(2) Where the arbitration is as to compensation the arbitrator appointed by the Judge shall not be a resident of the municipality in which the land is situate. 3-4 Geo. V. c. 43, s. 336. When resident of municipality not to be appointed.

337. The appointment of an arbitrator by a municipal corporation shall not be deemed to be an admission of any liability on its part, and all defences and objections that would be open in an action, shall be open to either party. 3-4 Geo. V. c. 43, s. 337. Appointment of arbitrators not to be deemed an admission of liability.

338. No member, officer, or person in the employment of a corporation which, and no person who, is concerned or interested in an arbitration, shall be appointed or act as an arbitrator, but no person shall be disqualified by reason merely that he is a ratepayer of a municipality concerned or interested in the arbitration. 3-4 Geo. V. c. 43, s. 338. Persons disqualified from acting as arbitrators.

339. Where the arbitration is as to compensation and the amount claimed does not exceed \$1,000, the same shall be determined by the Judge or by such person as he on application to him by either the corporation or the claimant upon at least seven days' notice to the other, may appoint. 3-4 Geo. V. c. 43, s. 339. Arbitrator when claim under \$1,000.

Procedure.

340.—(1) Every arbitrator, before proceeding with the reference, shall take and subscribe the following oath: Oath of arbitrators.

"I (A. B.) swear (or affirm) that I will well and truly try the matters referred to me by the parties, and a true and impartial award make in the premises, according to the evidence and my skill and knowledge."

(2) The omission of an arbitrator to take the oath shall not affect the validity of the award, unless, before the reference is begun objection is made to its being proceeded with on that account. 3-4 Geo. V. c. 43, s. 340. Effect of omission to take oath.

341.—(1) The arbitrators shall, within twenty days after the appointment of the last appointed arbitrator, meet at such place as they may agree upon, and proceed with the reference, but may adjourn from time to time. Time of meeting, etc.

(2) A copy of the award shall be filed with the clerk of every municipality interested. 3-4 Geo. V. c. 43, s. 341. Filing copy of award.

342.—(1) In the case of a claim for compensation for damages for injuriously affecting land, the claimant, before the taking of evidence is begun, shall deliver to the corporation, and file with the arbitrators, particulars of his claim. Particulars of claim to be delivered.

Amendment
of claim.

(2) The arbitrators shall have the same power to amend the claim or the particulars as a Court would have in an action. 3-4 Geo. V. c. 43, s. 342.

Limit of
cumulative
evidence.

343. Where the arbitration is as to compensation, the arbitrators, in their discretion, may refuse to hear further evidence of a cumulative character upon any matter or question. 3-4 Geo. V. c. 43, s. 343.

Costs.

344.—(1) The arbitrators may award a fixed sum for costs or may award costs on the scale of the Supreme Court, or of the County Court, in which case they shall be taxed by the proper officer of the Court in the county or district in which the first meeting of the arbitrators was held, without any further order, and the amount shall be payable within one week after it is finally determined.

Taxation
of costs.

(2) The taxation except where the costs are taxed by one of the taxing officers of the Supreme Court, shall be subject to revision by one of them, upon one week's notice, and such revision shall be subject to appeal, as in the case of an appeal from a taxation of costs in an action. 3-4 Geo. V. c. 43, s. 344.

When an
appeal lies
from an
award.
Rev. Stat.
c. 65.

345.—(1) An appeal shall lie from every award in like manner as an appeal lies under *The Arbitration Act*, where the submission provides for an appeal from the award.

(2) Subsection 1 shall not apply where the submission is in writing, and it is not agreed by the terms of it that there may be an appeal from the award.

Power of
Supreme
Court on
appeal.

(3) On an appeal from an award the Supreme Court may call for and receive additional evidence to be taken in such manner as the Court directs, and may set aside the award or remit the matters referred or any of them, from time to time, for re-consideration and determination by the arbitrators, or may refer such matters or any of them to any other person, and may fix the time within which the further or new award shall be made, or may increase or diminish the amount awarded, or otherwise modify the award, as may be deemed just, and a Divisional Court shall have the like power and authority. 3-4 Geo. V. c. 43, s. 345.

Arbitrators
to file certi-
ficate show-
ing time
occupied
and fees
charged.

346.—(1) Each of the arbitrators shall file with the clerk of the municipality a certificate, showing the number of hours actually occupied by him in the reference, the number of hours occupied at each sitting, and the date of and the fees charged by him for each sitting.

(2) Any party to the reference may pay to the Clerk of the County or District Court of the county or district in which the first meeting of the arbitrators was held, the fees demanded by the arbitrators, together with \$10 as security for the costs of the taxation of such fees, and the clerk shall give a receipt in duplicate for the same, and shall enter the payment in a book to be kept by him for the purpose, and he shall be entitled to receive to his own use from such party, when the sum paid does not exceed \$50, a fee of fifty cents, and when the sum paid exceeds \$50 a fee of \$1, and upon production and delivery of one of the duplicates the arbitrators shall deliver the award to the person producing the duplicate. 3-4 Geo. V. c. 43, s. 346.

Payment of arbitrators' fees on taking up award.

347.—(1) Where the arbitration is as to compensation, of the expropriating by-law did not authorize or profess to authorize any entry on or use to be made of the land before the award, except for the purpose of survey, or if the by-law gave or professed to give such authority, but the arbitrators by their award find that it was not acted upon, the award shall not be binding on the corporation, unless it is adopted by by-law, within three-months after the making of the award, or after the determination of any appeal therefrom, and if it is not so adopted, the expropriating by-law shall be deemed to be repealed, and the corporation shall pay the costs between solicitor and client of the reference and award, and shall also pay to the owner the damages, if any, sustained by him in consequence of the passing of the by-law, and such damages if not mutually agreed upon shall be determined by arbitration and if the by-law has been registered or a caution in respect of it has been filed the corporation shall forthwith cause a certificate signed by the mayor and clerk and sealed with the corporation's seal, stating that the by-law stands repealed, to be registered in the proper registry office or the caution to be removed as the case may be. 3-4 Geo. V. c. 43, s. 347; 7 Geo. V. c. 42, ss 6, 7.

Award not to be binding in certain cases unless adopted by by-law.

(2) Subject to the provisions of subsection 3, where the expropriating by-law did not authorize or profess to authorize any entry on or use to be made of the land except for the purpose of survey, or if the by-law gave or professed to give such authority but it has not been acted on, the council may at any time before the making of the award, and whether or not arbitration proceedings have been begun, repeal the by-law, and if that is done the repealing by-law shall, if the expropriating by-law has been registered, be forthwith registered by the corporation in the proper registry office, or if the land is under *The Land Titles Act* and a caution has been filed, the corporation shall forthwith remove the caution and the costs and damages mentioned in subsection 1 shall be paid by the corporation as therein provided.

Power to repeal by-law before award.

Rev. Stat. c. 126.

(3) Subsection 2 shall not in any way affect or apply to the rights of any person under an award heretofore made. 7 Geo. V. c. 42, s. 8.

PART XVII.

ACTIONS BY AND AGAINST MUNICIPAL CORPORATIONS.

Right of action of municipal corporation to enforce agreements, etc.

348. Where a duty, obligation, or liability is or has been heretofore imposed by statute upon any person in favour of a municipal corporation, or the inhabitants, or some of the inhabitants, of a municipality, or where a contract or agreement is or has heretofore been entered into, which imposes such a duty, obligation, or liability, the corporation shall have the right by action to enforce it, and to obtain as complete and as full relief and remedy as could be obtained in an action by the Attorney-General, as plaintiff, or as plaintiff on the relation of any person interested, or in an action by such inhabitants or one or more of them, on his or their own behalf, or on behalf of himself or themselves and of such inhabitants. 3-4 Geo. V. c. 43, s. 348.

Corporation to be liable for acts done under illegal by-law.

349. An action shall not be brought for anything done under a by-law, order or resolution of a council which is invalid, in whole or in part, until one month after the by-law, order, or resolution, or so much of it as is invalid, has been quashed or repealed, and every such action shall be brought against the corporation alone, and not against any person acting under the by-law, order or resolution. 3-4 Geo. V. c. 43, s. 349.

PART XVIII.

RESPECTING THE ADMINISTRATION OF JUSTICE.

Justices of the Peace.

Certain persons to be ex-officio Justices of the Peace.

350. The head of every council, the reeve of every town, and every deputy reeve, after he has made the declarations of office and qualification, shall, *ex officio*, be a Justice of the Peace for the whole county, and every controller and alderman in a city, after he has made such declarations, shall be, *ex officio*, a Justice of the Peace for the city. 3-4 Geo. V. c. 43, s. 350.

351. A Justice of the Peace shall not be disqualified from Justice may act although member of a council, acting in the case of a prosecution for a breach of a by-law of a council,

(a) By reason of his being a member of the council; or

(b) Because the penalty or part of it goes to the corporation of a municipality of which he is a rate-payer. 3-4 Geo. V. c. 43, s. 351.

Police Office in Cities and Towns.

352. The council of every city and town shall establish and maintain therein a Police Office. 3-4 Geo. V. c. 43, s. 352. Police office.

353.—(1) The Police Magistrate, or, if he is absent or ill, or if there is a vacancy in the office, the Deputy Police Magistrate, shall attend at the Police Office daily, for such period as may be necessary for the disposal of the business to be done. Police magistrate to attend daily.

(2) In a town for which there is not a Police Magistrate, the Mayor shall attend at the Police Office daily, or at such time, and for such period as may be necessary for the disposal of the business that may be brought before him as a Justice of the Peace. Mayor to attend where no police magistrate.

(3) In a city or town for which there is a Police Magistrate, if he is absent or ill, and there is no Deputy Police Magistrate, or if the Deputy Police Magistrate is also absent or ill, the Mayor shall attend in the place of the Police Magistrate, but shall have only the powers of a Justice of the Peace. Case of illness or absence of police magistrate.

(4) A Justice of the Peace having jurisdiction in a city or town may, at the request of the Mayor, act in his stead. When Justice may act.

(5) The council shall provide all necessary and proper accommodation, fuel, light, stationery and furniture for the Police Office, and for the officers connected with it. Accommodation, etc., for police office.

(6) The clerk of the council of the city or town, or such other person as the council appoints for that purpose, shall be the clerk of the Police Office, and shall perform the same duties and receive the same fees and emoluments as a clerk of a Justice of the Peace. Clerk of police office and his duties.

(7) Where the clerk of the council is paid by a salary, the fees and emoluments shall be paid over by him and belong to the corporation. If paid by salary, fees to belong to corporation.

(8) Where there is a Police Magistrate, the clerk of the Police Office shall be under his control. 3-4 Geo. V. c. 43, s. 353.

Boards of Commissioners of Police and Police Force in Cities and Towns

354.—(1) Notwithstanding the provisions of any special Act, there shall be for every city, and there may be constituted by the council thereof for every town having a Police Magistrate, a Board of Commissioners of Police.

(2) The Board shall consist of the Mayor, a Judge of the County or District Court of the county or district in which the city or town is situate, and the Police Magistrate.

(3) If there are two or more Judges for the county or district, the Lieutenant-Governor in Council shall designate the Judge who is to be a member of the Board.

(4) If the Police Magistrate is absent from Ontario, the Deputy Police Magistrate shall act in his stead during his absence.

(5) If the office of Judge or that of Police Magistrate is vacant, the council shall fill the vacancy on the Board by appointing a resident of the municipality to act during the vacancy.

(6) In case of the illness or absence from Ontario of the Mayor, or of the office being vacant, the person appointed as presiding officer of the council shall act instead of the Mayor. 3-4 Geo. V. c. 43, s. 354 (1-6).

(7) The council of a city may provide for the payment of a reasonable remuneration for his services as a member of the Board to the Judge or the Police Magistrate, or to any person appointed to fill the vacancy while the office of Judge or Police Magistrate is vacant. 3-4 Geo. V. c. 43, s. 354 (7); 7 Geo. V. c. 42, s. 9.

(8) The by-law of the council of a town may at any time be repealed, and, if repealed, the Board shall, on the first day of January next after the passing of the repealing by-law, be dissolved.

(9) Subsection 8 shall also apply to a Board constituted before the 24th day of March, 1874, and existing on that day. 3-4 Geo. V. c. 43, s. 354 (8-9).

(Note.—The following section numbered 354a, for convenience only, was enacted by section 24 of The Statute Law Amendment Act, 1914. Although not enacted as an amendment to any particular Act, The Municipal Act would seem to be the proper place for it.)

354a.—(1) The council of every county having a police magistrate may by by-law constitute a board of commissioners of police consisting of the warden, a judge of the county court and a police magistrate. County board of police commissioners.

(2) If there are two or more judges for the county or two or more police magistrates, the Lieutenant-Governor in Council shall designate which judge or police magistrate is to be a member of the board. Where there are two or more magistrates or judges.

(3) If any person named as a member of the board is ill or absent from Ontario or if the office is vacant, the council may fill the vacancy on the board by appointing a resident of the municipality to act during the vacancy. Filling vacancies.

(4) The by-law may at any time be repealed, and if repealed the board shall on the first day of January next after the passing of the repealing by-law be dissolved. Repeal of by-law.

(5) Sections 355, 356, 357, 360, 361, 362 and 363 of The Municipal Act shall apply *mutatis mutandis* to the board, and the board shall have the powers which are by said sections conferred on boards of commissioners of police in cities and towns. 4 Geo. V. c. 21, s. 24. Application of Rev. Stat. c. 192, ss. 355-367, 360-363 to apply.

355.—(1) The Board shall have the same power to summon and examine witnesses on oath as to any matter connected with the execution of its duties, to enforce their attendance, and to compel them to give evidence, as is vested in any Court of law in civil cases. Board may examine witnesses on oath.

(2) It shall be the duty of every person served with a notice to attend before the Board, signed by a member of it, to attend pursuant to the notice, and the notice shall have the same effect as a subpoena. 3-4 Geo. V. c. 43, s. 355. Force of notice to attend before Board.

356.—(1) The Board shall, in each year, at its first meeting held after the Mayor has made the declarations of office and qualification, elect a chairman. Chairman.

(2) A majority of the members of the Board shall constitute a quorum. Quorum.

Meetings
in cities to
be open to
public.

(3) The meetings of the Board shall be open to the public, unless otherwise directed by the Board. 3-4 Geo. V. c. 43, s. 356.

How by-law
of Board
authenti-
cated and
proved.

357.—(1) A by-law of the Board shall be sufficiently authenticated, if signed by its chairman or acting chairman, and a by-law purporting to be so signed shall be received in evidence in all courts, without proof of the signature.

(2) A copy of a by-law purporting to be certified by a member of the Board to be a true copy, shall be received in evidence in all Courts, without proof of the signature. 3-4 Geo. V. c. 43, s. 357.

High Bailiff and Police Force

High
bailiffs.

358. The council of every city shall appoint a high bailiff but may provide that the offices of high bailiff and chief constable be held by the same person. 3-4 Geo. V. c. 43, s. 358.

Police force
in cities
and towns.

359. The police force in cities and in towns having a Board of Commissioners of Police shall consist of a chief constable and as many constables and other officers and assistants as the council may deem necessary, but, in cities, not less than the Board reports to be absolutely required. 3-4 Geo. V. c. 43, s. 359.

Appoint-
ment of
members of
police force.

Rev. Stat.
c. 94.

360. The members of the police force shall be appointed by and hold office during the pleasure of the Board, and shall take and subscribe an oath similar to that set out in section 20 of *The Constables Act*. 3-4 Geo. V. c. 43, s. 360.

Board to
make regu-
lations.

361. The Board may make regulations for the government of the police force, for preventing neglect or abuse, and for rendering it efficient in the discharge of its duties. 3-4 Geo. V. c. 43, s. 361.

Police offi-
cers to be
subject to
the board.

362. The members of the police force shall be subject to the government of the Board, and shall obey its lawful directions. 3-4 Geo. V. c. 43, s. 362.

Submission
of estimates
to council.

363.—(1) The Board shall, on or before the first day of March in each year prepare and submit to the council for its consideration and approval, its estimates of all moneys required for the ensuing year to pay the remuneration of the members of the police force and to provide and pay for offices, watch-houses, watch-boxes, arms, accoutrements, clothing, and other things for the accommodation, use and maintenance of the force. 10-11 Geo. V. c. 58, s. 9.

(2) The council may pay any sum required for the protection, defence, or indemnification of any member of the police force, where an action or prosecution is brought against him, and costs are necessarily incurred or damages are recovered, if the Board certifies that the case is a proper one for such payment or indemnity. 3-4 Geo. V. c. 43, s. 363 (2). Indemnifying police officers.

364. The council of every town not having a Board shall, and the council of every village may, appoint one chief constable and one or more constables. 3-4 Geo. V. c. 43, s. 364. Constables in towns and villages.

365. The council of a county and of a township may appoint one or more constables. In the case of a township, the remuneration of such constable or constables may, if the council deems proper, be paid by a general rate levied on any defined section or area of the township. 3-4 Geo. V. c. 43, s. 365; 7 Geo. V. c. 42, s. 10. County and township constables.

366.—(1) The members of a police force, the high bailiffs and the constables appointed under the authority of this Part shall have the same powers and privileges, be subject to the same liability, perform the same duties, be subject to suspension in the same manner, and may act within the same limits, as a constable appointed by the Court of General Sessions of the Peace. Powers of police officers, constables, etc.

(2) The provisions of subsection 1, as to suspension, shall not apply to a member of the police force of a city or town which has a board of Commissioners of Police. 3-4 Geo. V. c. 43, s. 366.

367. The members of a police force, a high bailiff, a chief constable and the constables appointed under this Part, shall be charged with the duty of preserving the peace, preventing robberies, and other crimes and offences; including offences against the by-laws of the municipality, and of apprehending offenders, and laying information before the proper tribunal, and prosecuting and aiding in the prosecution of offenders. 3-4 Geo. V. c. 43, s. 367. Duties of police officers, constables, etc.

[As to appointment of High Constable by county, see *The Constables Act, Rev. Stat. c. 94, s. 8.*]

368.—(1) The council by which a high bailiff, chief constable or a constable is appointed under the authority of this Part may provide for the payment to him of such salary or remuneration as the council may determine. Salary and remuneration.

Fees of
salaried
constable.

(2) The council may agree with a salaried constable appointed either by the council or by the Board of Commissioners of Police that he shall keep for his own use the fees of his office, or may require them to be paid to the treasurer for the use of the corporation. 3-4 Geo. V. c. 43, s. 368.

Arrests
without
warrant by
constables
for alleged
breaches of
the peace.

369. Where any person complains to the chief constable or a constable of a city or town that a breach of the peace has been committed, and that officer has reason to believe that it has been committed, though not in his presence, and that there is good reason to apprehend that the arrest of the person charged with committing it is necessary to prevent his escape, or a renewal of the breach of the peace, or immediate violence to person or property, if the person complaining gives satisfactory security to the officer that he will, without delay, appear and prosecute the charge, the officer may, without warrant, arrest or cause to be arrested the person charged, in order to his being brought as soon as conveniently may be before the police magistrate or a justice of the peace to be dealt with according to law. 3-4 Geo. V. c. 43, s. 369.

When mayor
or police
magistrate
may sus-
pend con-
stable.

370.—(1) If there is no Board of Commissioners of Police for a town, the Mayor or the Police Magistrate may suspend from office, for any period in his discretion, the chief constable or any constable of the town, and may appoint some other person to the office during such period; and, if he considers the suspended officer deserving of dismissal, he shall, immediately after suspending him, so report to the council, and the council may dismiss such officer, or may direct him to be restored to his office after the period of suspension has expired.

Incapacity
of such
officer to act.
Salary to
cease.

(2) During suspension, the officer shall not act except with the written permission of the Mayor or Police Magistrate who suspended him, or be entitled to any salary or remuneration. 3-4 Geo. V. c. 43, s. 370.

Court Houses, Goals, Etc.,—Establishment.

Existing
county and
district
towns
continued.

371. Until otherwise provided by law the existing county and district towns shall continue to be the county and district towns of the counties and districts in which they are respectively situate. 3-4 Geo. V. c. 43, s. 371.

County to
provide
court house
and goal.

372.—(1) The corporation of every county shall provide and maintain a County Court House and a County Gaol.

Sufficient
for county
and city.

(2) The Court House and the Gaol shall be sufficient for the purposes of every city and separated town, which forms part of the county for judicial purposes as well as for the purposes of the county.

(3) The Gaol shall be provided and maintained in conformity with the provisions of *The Gaols Act*, and to the satisfaction of the Lieutenant-Governor in Council. Maintenance of gaol. Rev. Stat. c. 293.

(4) Subsection 2 shall not apply to the Court House if the city has a Court House of its own, or to the Gaol if the city has a gaol of its own. 3-4 Geo. V. c. 43, s. 372.

373.—(1) The council of a county or of a city may pass by-laws for erecting, enlarging or improving a court house, or gaol, and shall keep the same in repair and provide the food, fuel, and other supplies required therefor. County Council may pass by-laws as to county buildings.

(2) The corporation of a county may acquire land within a city or separated town, which is the county town for the purpose of erecting and may erect thereon a court house, a gaol, and buildings for use as a county hall and for offices for the county officials. 3-4 Geo. V. c. 43, s. 373. Acquiring land for court houses.

374. The court house and the gaol of the county in which a city or separated town is situate, shall, except where the city has provided one for itself, be the court house or gaol, as the case may be, of the city or town, and the sheriff and gaoler shall receive and safely keep, until duly discharged, all persons committed to the gaol by any competent authority of the city or town. 3-4 Geo. V. c. 43, s. 374. Gaols and court houses in counties and cities, etc., not separated.

Care of Court Houses and Gaols.

375.—(1) The sheriff shall have the care of the county gaol, gaol offices and yard, and gaoler's apartments, and the appointment of the gaoler and officers of the gaol, whose salaries shall be fixed by the county council, subject to the revision or requirement of the Inspector of Prisons and Public Charities. Custody of gaols. Keepers.

(2) The appointment or dismissal of a gaoler shall be subject to the approval of the Lieutenant-Governor in Council. 3-4 Geo. V. c. 43, s. 375. Appointment and dismissal of gaolers.

376. A gaoler or an officer of the gaol shall not demand or receive any fee, perquisite, or other payment from any prisoner. 3-4 Geo. V. c. 43, s. 376. Gaoler not to accept fees.

377.—(1) The county council shall have the care of the court house and of all offices, rooms and grounds connected therewith, whether the court house is a separate building or is connected with the gaol, and the appointment of the caretakers thereof, and shall, from time to time, provide all necessary and proper accommodation, fuel, light, sta- County council to have care of court house, etc.

tionery, and furniture for the Provincial Courts of Justice, other than the Division Courts, and for the library of the Law Association of the county, such last mentioned accommodation to be provided in the court house, and proper offices, together with fuel, light, stationery, and furniture, and, when certified by the Attorney-General to be necessary, with typewriting machines, for all officers connected with such Provincial Courts, other than the Crown Attorney of the City of Toronto. (*As to Division Courts, see Rev. Stat. c. 63*).

(2) The council of the Corporation of the City of Toronto shall provide proper offices, with fuel, light, stationery, and furniture for the Crown Attorney of the City.

Liability
for furni-
ture for use
of county
officials.

(3) A corporation shall not be liable to pay for furniture, unless it has been ordered by the council or by some person authorized by it so to do. 3-4 Geo. V. c. 43, s. 377.

City gaols
to be regu-
lated by
by-laws of
city council.

378. The care of the gaol or court house of a city shall be regulated by by-law of its council. 3-4 Geo. V. c. 43, s. 378.

Costs and Expenses of Court Houses and Gaols.

Liability of
cities and
towns sep-
arated from
counties for
erection and
maintenance
of court
house, etc.

Rev. Stat.
c. 124.

379.—(1) A city or a separated town shall, as part of the county for judicial purposes, so long as the county court house or gaol is also that of the city or separated town, bear and pay its just share or proportion of all charges and expenses from time to time incurred for the purposes mentioned in section 23 of *The Registry Act*, and in erecting, enlarging, improving, repairing or maintaining such court house or gaol, and of the proper lighting, cleaning, and heating; of drafting, selecting, enrolling and paying jurors; in providing the accommodation and other matters mentioned in subsection 1 of section 377, and of all other charges relating to the administration of justice, except such as the county is entitled to be repaid by the Province and except charges connected with coroners' inquests and constables' fees and disbursements.

Allowance
to county
for use of
court house
for division
courts.

(2) The use of the court house for the sittings of a Division Court of a Division which comprises the whole or a part of a city or separated town, may be taken into account in determining the amount to be paid by the city or town for the maintenance of the court house.

Reference
to arbitra-
tion in case
of disagree-
ment.

(3) If the council of the city or separated town and the council of the county are unable to agree as to the amount to be paid by the city or town, the same shall be determined by arbitration.

(4) The council of a county and of a city or separated town situate in the county may agree: Purchase of land and erection of buildings for municipal and judicial purposes.

(a) To acquire land within the county town for the purpose of erecting thereon buildings for the joint use of the county and city or town, for municipal and judicial purposes;

(b) For the erection, maintenance, use, management, and control of such buildings;

(c) For fixing the amount which each corporation shall pay or contribute for such purposes;

(d) For the subsequent disposition of such land and buildings, and of any insurance or other money that may be received in respect thereof;

and may pass all such by-laws as may from time to time be necessary for acquiring the land, and carrying out the agreement. 3-4 Geo. V. c. 43, s. 379.

As to payment of expenses of shorthand writer and interpreter, see The County Judges Act, Rev. Stat. c. 58, ss. 18 (5), 19.

As to payment by city or separated town of proportion of certain expenses under The Registry Act, see that Act, Rev. Stat. c. 124, s. 8.

380. Where the court house, gaol or registry office was erected before the city or town ceased to be part of the county for municipal purposes the arbitrators shall take into account in determining the amount to be paid by the city or town the value of the respective interests of the county and of the city or town in such building and the extent of the use of it by them respectively. 3-4 Geo. V. c. 43, s. 380; 9 Geo. V. c. 46, s. 10. What arbitrators to take into account.

381. The corporation of a county, city or separated town shall have, respectively, from time to time, insurable interests in the county court house and gaol in the proportions of the aggregate amounts which they shall have contributed, respectively, to the costs, charges and expenses of erecting, enlarging, improving and repairing said buildings, and in the contents and furniture of the county court house and gaol in the proportions of the aggregate amounts which they shall have contributed, respectively, to the the costs, charges and expenses of providing said contents and furniture. 8 Geo. V. c. 32, s. 5. Insurable interests of corporations in court house and gaol.

Liability of city to contribute to cost of erecting court houses and gaols.

382. Where a city is required to contribute to the cost of erecting, enlarging or improving a county court house or gaol, such city shall not be bound to pay for any part of the expenditure, unless it has been concurred in by its council, or, if the council does not concur, the propriety and the amount of the expenditure has been determined by arbitration. 3-4 Geo. V. c. 43, s. 382.

Site for court house or gaol.

383. The site of the court house or gaol shall be determined by arbitration, unless the councils of the county and city agree as to the site. 3-4 Geo. V. c. 43, s. 383.

Compensation by city or town for use of court house, etc.

384.—(1) A city which uses the county court house or gaol, and a separated town shall pay to the county such compensation therefor, and for the care and maintenance of prisoners, as may be mutually agreed upon, or determined by arbitration.

Matters to be considered in determining compensation.

(2) In determining the compensation to be paid for the care and maintenance of prisoners, the arbitrators shall, so far as they deem the same just and reasonable, take into consideration the original cost of the site and erection of the gaol and gaol buildings and of repairs and insurance, so far as they have been borne by one or other of the municipalities, and the cost of maintaining and supporting the prisoners, as well as the salaries of all officers and servants connected therewith. 3-4 Geo. V. c. 43, s. 384.

When the amount of compensation may be reconsidered.

385. After five years from the time when the amount of the compensation was agreed upon or determined by arbitration, either under section 379 or after a direction by the Lieutenant-Governor in Council under the authority of this section, the Lieutenant-Governor in Council, upon the application of either corporation may direct that the existing arrangement shall cease after a day to be named and that the compensation to be paid from that day shall be settled by agreement or be determined by arbitration. 3-4 Geo. V. c. 43, s. 385.

Lock up houses.

386.—(1) The council of every local municipality may establish, maintain and regulate lock-up houses for the detention and imprisonment of persons sentenced to imprisonment therein for not more than ten days, and of persons detained for examination on a charge of having committed any offence, or for transfer to any common gaol for trial, or in the execution of any sentence; and such persons may be lawfully received and so detained in the lock-up.

(2) Two or more local municipalities may unite in establishing, maintaining and regulating a lock-up house, and such lock-up house shall be deemed to be the lock-up house of each of them. Joint lock-up houses.

(3) Every lock-up house shall be placed in the charge of a constable appointed for that purpose. Constable in charge.

(4) The council may provide for and pay the salary or other remuneration of the constable in charge of a lock-up. Salary.
3-4 Geo. V. c. 43, s. 386.

387.—(1) If a county town has not a lock-up house, approved by the Inspector of Prisons and Public Charities, the county gaol may be used for the purposes of a lock-up house, and if so used the corporation of the county town shall pay yearly to the county treasurer for the use of the county a reasonable sum for the use of the gaol as a lock-up house, and for the expenses incurred by such use; and, in case of disagreement, the amount to be paid to the county shall be determined by arbitration. Payment to be made to county when gaol used as a lock-up.

(2) This section shall not apply to cities or separated towns. 3-4 Geo. V. c. 43, s. 387.

388. The cost of conveying a prisoner to, and of keeping him in a lock-up house, shall be defrayed in the same manner as the expense of conveying a prisoner to and keeping him in a common gaol of the county. 3-4 Geo. V. c. 43, s. 388. Expense of keeping prisoners in lock-up.

Section 409 of 29-30 V. c. 51 (See 36 V. c. 48, s. 367; R.S.O. 1877, c. 174, s. 449; 46 V. c. 18, s. 476 and R.S.C. 1896, Sched. B.), which is not repealed, is as follows:—

409. Any Justice of the Peace of the county may direct by warrant in writing under his hand and seal, the confinement in a lock-up house within his county, for a period not exceeding two days, of any person charged on oath with a criminal offence, whom it may be necessary to detain until examined, and either dismissed or fully committed for trial to the common gaol, and until such person may be conveyed to such gaol; also the confinement in such lock-up house, not exceeding twenty-four hours, of any person found in a public street or highway in a state of intoxication or any person convicted of desecrating the Sabbath; and generally may commit to a lock-up house instead of the common gaol or other house of correction, any person convicted on view of the justice, or summarily convicted before any justice or justices of the peace of any offence cognizable by him or them, and liable to imprisonment therefor under any statute or municipal by-law. 29-30 V. c. 51, s. 409. When liable to confinement in lock-up.

Inebriate Asylums.

389.—(1) The council of a city having a population of not less than 50,000 may: Institutions for reclamation of habitual drunkards.

- (a) Establish, erect and maintain within the city an institution for the reclamation and cure of habitual drunkards;
- (b) Provide that the Mayor, Police Magistrate, or any Justice of the Peace having jurisdiction in the municipality; may send or commit to such institution an habitual drunkard, with or without hard labour.

Rev. Stat.
c. 296.

(2) Sections 62 to 70 of *The Private Sanitarium Act* shall apply to such institution. 3-4 Geo. V. c. 43, s. 389.

Committal to Industrial Farm.

Committal
to indus-
trial farm
for indeter-
minate
period.

390.—Where a person is convicted of being found drunk or disorderly in a public place contrary to a municipal by-law, within three months after a prior conviction for a like offence, he may be committed by the Police Magistrate or Justice of the Peace, before whom he is convicted, to an Industrial Farm of the locality in which the order for committal is made for an indeterminate period not exceeding two years. 3-4 Geo. V. c. 43, s. 390.

PART XIX.

POLLING SUBDIVISIONS AND POLLING PLACES

Polling sub-
divisions
and places.

391. By-laws may be passed by the councils of local municipalities for dividing the wards of the city or town, or the village or township into two or more convenient polling subdivisions, and for establishing polling places therein.

Boundaries
of polling
subdivi-
sions.

- (a) Except in cities, every polling subdivision shall have well-defined boundaries, such as streets, side lines, concession lines or the like, and shall be formed in the most convenient manner, and so that the number of electors in each polling subdivision shall be as nearly as possible equal.

Number of
electors in a
subdivision.

- (b) Such polling subdivisions, shall be made or varied whenever the number of the electors in any polling subdivision in a city having a population of not less than 100,000 exceeds 200, and in any other municipality 300, in such a manner that the number in any polling subdivision shall not exceed 300.

- (c) Where a municipality embraces parts of two or more electoral districts, a polling subdivision shall include territory in one electoral district only. Not to be in more than one electoral district.
- (d) Subject to clause (f), any alteration of polling subdivisions, or creation of new polling subdivisions, shall be made before the publication of the voters' lists. Alteration of subdivisions.
- (e) Whenever the clerk finds that the number of electors in a polling subdivision exceeds 200 in a city having a population of not less than 100,000, or 300 in any other municipality, he shall notify the council of the fact. Duty of clerk when population exceeds limit.
- (f) Where such alterations have not been made before the publication of the voters' lists, they shall be made forthwith thereafter, but shall not take effect until the next voters' lists are being prepared. Changes made after voters' lists made up.
- (g) Whenever the council is of opinion that the convenience of the electors will be thereby promoted the council may make a redivision into polling subdivisions, and such redivision shall be made in conformity with this section. New subdivision to be made when necessary.
- (h) The number of electors shall be determined by the last revised assessment roll of the municipality. Determining number of electors.
- (i) The polling subdivisions shall be numbered consecutively, and a copy of the by-law, by which they are established, certified under the seal of the corporation and the hand of the clerk to be a true copy, shall, forthwith after the passing thereof, be filed by the clerk in the office of the Clerk of the Peace of the county or district in which the municipality is situate. Subdivisions to be numbered.
- (j) Any 5 electors may at any time within two months after such filing appeal in respect of any polling subdivision to the Judge of the county or district Court of the county or district, who shall have power to amend the by-law so as to make it conform with the provisions of this section, and the procedure on the appeal shall be the same as on a motion to quash a by-law, except that no recognizance or deposit shall be required. Appeal.

Election not to be voided if subdivision is wrongly formed.

- (k) An election shall not be irregular or void or voidable for the reason that a polling subdivision which contains more than the prescribed number of electors has not been divided, if in the case of a city having a population of not less than 100,000 it does not contain more than 300, or in the case of any other municipality more than 400 electors.

Subdivision for election about to be held.

- (l) Where a polling subdivision in a city, having a population of not less than 100,000 contains more than 300 electors, or a polling subdivision in any other local municipality contains more than 400 electors, or where a local municipality is not subdivided into polling subdivisions the council shall for the purpose of an election about to be held or a vote about to be taken subdivide it into as many subdivisions as may be necessary to provide in the case of such a city one for every 200 electors, and in the case of any other local municipality one for every 300 electors. 3-4 Geo. V. c. 43, s. 391.

Uniting polling subdivisions.

392. By-laws may be passed by the councils of urban municipalities for uniting for the purpose of any municipal election, including the election of school trustees, or the voting on a by-law or on a question submitted to the electors, any two adjoining polling subdivisions with one polling place therefor. 3-4 Geo. V. c. 43, s. 392.

Using public school for polling places.

393. By-laws may be passed by the councils of cities for providing that a public school house or a public building belonging to or controlled by the corporation in, or conveniently near to a polling subdivision, shall be used as the polling place of such subdivision.

Payment therefor.

- (a) Where a school house is so used the council shall forthwith pay to the Board of Education a sum sufficient to cover any damage done to it and any expense for cleaning or otherwise caused by such use.

Consent of public school board.

- (b) No school house shall be so used without the consent of the Board of Education.

Constable to attend each such polling place.

- (c) The board of commissioners of police or the chief constable shall cause a constable to attend at each polling place in a school house or public building in which an election is being held there to per-

form the duties required by this Act of a constable appointed by the returning officer. 3-4 Geo. V. c. 43, s. 393; 7 Geo. V. c. 42, s. 11.

394. Where a polling place has been appointed for holding an election, or for taking a vote in a local municipality, and it is afterwards found that the building cannot be obtained, or is unsuitable for the purpose, the clerk may select in lieu of it the nearest suitable building which is available, and he shall post up and keep posted up a notice on the building named in the by-law, and in two other conspicuous places near by, directing the voters to the place so selected. 3-4 Geo. V. c. 43, s. 394.

In certain cases clerk may choose polling place.

PART XX.

POWERS OF MUNICIPAL COUNCILS.

Interpretation.

395. " Bonus " where it occurs in sections 278, 288, 396 Bonus defined. and 397 shall include:—

- (a) A grant of money as a gift or a loan, either conditionally or unconditionally.
- (b) The guaranteeing of the repayment of money loaned to or the payment of a debt contracted by the person to whom the bonus is granted and the interest thereon.
- (c) The gift or the leasing at a nominal rent of land owned by the corporation or the purchase of land as a site for buildings or works or as a means of access or for any other purpose connected with the manufacturing business to be aided.
- (d) The stopping up, opening, widening, paving or improving of a highway or public place or the undertaking of any work or improvement which involves the expenditure of money by the corporation for the use or benefit of the manufacturing business to be aided.
- (e) The supplying of water, light or power by the corporation either free of charge or at a less rate than that charged to other persons.

- (f) The total or partial exemption from municipal taxation or the fixing of the assessment of any property.
- (g) Generally the doing, undertaking or suffering on the part of the corporation of any act, matter or thing which involves or may involve the expenditure of money by it. 3-4 Geo. V. c. 43, s. 395.

Bonuses in Aid of Manufactures.

Aid to
manufac-
tures, etc.

396. By-laws may be passed by the councils of all municipalities for granting a bonus for the promotion of manufactures in the municipality, or for the promotion of iron works, rolling mills, works for refining or smelting ore, or the establishment of grain elevators, or aiding a beet sugar factory, a tobacco drier, an arena, a sanitarium, within the municipality or an adjacent municipality, to such person, in respect of such branch of industry or undertaking, and on such terms and conditions as to security and otherwise as may be deemed proper.

Share-
holders not
to vote on
by-law.

- (a) No person to whom, or who is interested in or holds shares in a company and no nominee of a corporation to which a bonus is to be granted shall be entitled to vote on the by-law.

Industry
not to be
aided where
one of like
nature
established.

- (b) No by-law shall be passed granting a bonus in respect of a branch of industry of a similar nature to one established in the municipality unless the person by whom it is carried on consents in writing to the granting of the bonus.

Bonus not
to be
granted to
industry
already
established
elsewhere
in Ontario.

- (c) No by-law shall be passed granting a bonus in respect of a business established elsewhere in Ontario, or which has been removed to the municipality from another municipality in Ontario whether the business is to be carried on by the same person or by a person deriving title or claiming through or under him or otherwise or by such person in partnership with another person or by a joint stock company or otherwise.

Limitation
of power
to bonus.

- (d) No such by-law shall be passed where the granting of the bonus would for its payment and the payment of bonuses already granted require an annual levy for the payment of principal and interest exceeding 10 per cent. of the total amount required to be raised by taxation for the year next preceding the passing of the by-law,

but if the bonus is by way of loan or guarantee, any amount to be repaid annually by the person or company so aided shall be taken into account and deducted from such annual levy for the purpose of ascertaining whether the limit of 10 per cent. will be exceeded.

- (e) Where the bonus is exemption from taxation or a fixed assessment the same shall not be for a longer period than ten years, but may be renewed from time to time for further periods not exceeding ten years at any one time, and the by-law shall not apply to or affect taxation for school purposes.

- (f) Where the bonus is by way of loan, the by-law may provide that all money received on account of the loan shall be deposited to a special account in a chartered bank, and that such money, or a sufficient part of it, shall be applied in payment of the amount falling due in such year for principal and interest on account of debentures issued to pay the bonus. 3-4 Geo. V. c. 43, s. 396; 5 Geo. V. c. 34, ss. 21, 22 (1); 10-11 Geo. V. c. 58, s. 7 (2), 11 Geo. V. c. 63, s. 5 (2)

Bonuses in Aid of Railways.

397 (1).—In this section

Interpre-
tation.

- (a) "Railway" shall include a railway operated by steam, electrical or other motive power and a street railway;

"Railway."

- (b) "Railway company" shall include a person authorized by a special Act to construct a railway, and shall also include a railway company incorporated by or under the authority of the Parliament of Canada or of the late Province of Canada or of this Legislature.

"Railway
company."

(2) By-laws may be passed by the councils of all municipalities for granting a bonus to a railway company for the purpose of securing the construction of a railway in the construction of which the inhabitants of the municipality are interested or through any part of or near to which the railway will pass or the works of the company be situate.

Power to
aid rail-
ways.

(3) Upon presentation to the council of a petition expressing the desire to aid the railway company and stating in what way and to what amount signed by a majority of

Petition to
council
requiring
submission
of by-law
to electors.

the members of the council, or in the case of a county by at least fifty resident freeholders qualified to vote on the by-law, of each of the local municipalities in the county, or in the case of a local municipality by at least 50 resident freeholders thereof qualified to vote on the by-law, the council shall, within six weeks after the receipt of the petition by the clerk, take the requisite proceedings for submitting, in the manner provided by this Act, a by-law for granting the bonus for the assent of electors qualified to vote thereon.

Reference to Municipal Board of petition against submission of by-law.

(4) Where the aid is proposed to be given by a county, if a petition signed by 50 resident freeholders of the county against submitting the by-law on the ground that certain of the local municipalities or parts of them would be injuriously affected thereby or on any other ground ought not to be included therein, and if a sum sufficient to defray the expense of the reference is deposited by the petitioners with the treasurer of the county, the council shall forthwith refer the petition to The Municipal Board.

Powers of board to require amendment of by-law, etc.

(5) The Board may direct that the prayer of the petition be not granted, or that any of the local municipalities or any part of them or any of them shall be excluded from the operation of the by-law, and that the by-law be amended accordingly.

Levy of rates where part of county excluded from operation of by-law.

(6) Where the Board directs that the by-law be amended by excluding the whole or any part of a local municipality from the operation of it, the by-law shall be amended by imposing the rate to provide for the payment of the bonus or of the principal and interest of the debentures issued therefor on the rateable property within that part of the county not so excluded and that only, and the assent to the by-law of those persons qualified to vote on it in that part of the county not so excluded shall be sufficient, and they shall be the only persons entitled to vote on the by-law.

Option of company as to submission of amended by-law.

(7) The by-law as confirmed by the Board or amended by its direction shall, at the option of the railway company, be submitted by the council for the assent of the electors qualified to vote thereon.

Expenses of reference—how borne.

(8) If the prayer of the petition is not granted by the Board, the expense of the reference shall be borne by the petitioners, and if the Board directs the by-law to be amended by excluding any part of the county from the operation of the by-law shall be borne by the railway company or by the corporation of the county or in such proportions between them as the Board may direct.

(9) The council may require that before submitting the by-law for the assent of the electors the railway company shall deposit with the treasurer of the municipality a sum sufficient to defray the expense of its submission.

Company may be required to pay expenses of submitting by-law.

(10) If the by-law receives the assent of the electors the council shall, within four weeks from the day on which the vote was taken, pass the by-law.

Requirements as to passing by-law

(11) Unless otherwise provided by the by-law, the debentures, the issue of which is provided for by it, shall be issued and disposed of or delivered to the trustees appointed to receive them as hereinafter provided.

Disposal of debentures.

(12) Where the period within which the construction of the railway or other work is to be commenced or to be completed is provided for in the by-law, the council may by by-law or resolution from time to time extend such period, but no extension shall be for longer than one year at a time.

Extension of time for commencement or completion of railway.

(13) A bonus may be granted or shares may be subscribed for under the authority of this section notwithstanding that the yearly municipal taxation may be thereby increased beyond the limit provided for by section 297, if it does not require the levying of an annual rate for all purposes, exclusive of school rates, greater than three cents in the dollar.

Limit of two cents not to include bonuses to railways.

(14) By-laws may be passed by the councils of townships for granting a bonus for any of the purposes mentioned in subsection 2 by a section of the township, and in that case the rates imposed by the by-law to provide for the payment of the bonus or the principal and interest of the debentures issued therefor shall be imposed upon the rateable property within such section and that only.

Bonuses by sections of township.

(15) In the case of a by-law to which the next preceding subsection applies, the petition shall be by a majority of the members of the council or at least fifty freeholders of the section qualified to vote on the by-law, and shall define the section by metes and bounds or by lots and concessions, and the assent to the by-law of those persons qualified to vote on it in the section shall be sufficient, and they shall be the only persons entitled to vote on the by-law.

Petition for submission of by-law—what required.

(16) In all other respects the provisions of subsections 1 to 13 shall apply.

Subscribing
for stock.

(17) By-laws may, with the assent of the electors qualified to vote on a money by-law, be passed by the councils of all municipalities for subscribing for any number of shares in the capital stock of a railway company.

(18) Clauses (a), (e) and (f) of section 396, shall apply to a by-law passed under the authority of this section.

Delivery of
debentures
to three
trustees.

(19) Where a by-law is passed under the authority of this section for granting a bonus to a railway company, the debentures therefor shall, within six months after the passing of the by-law, be delivered to three trustees, all of whom shall be residents of Ontario, who shall be named, one by the Municipal Board, one by the railway company, and one by the head of the municipality, or if bonuses have been granted by the councils of more municipalities than one by the majority of the heads of the municipalities by which the bonuses have been granted.

Appoint-
ment of
trustees
in case of
failure to
appoint in
first in-
stance.

(20) If the head of the municipality or the heads of the municipalities, as the case may be, do not within one month after notice in writing of the appointment of the railway company's trustee name their trustee, the company may name him, and if the Board does not name a trustee within one month after notice in writing to the Board of the appointment of the other two trustees, the company may name the third trustee.

Removal
of trustee
by board.

(21) The Board may remove a trustee and may appoint a new trustee in his stead, and if a trustee dies or resigns his trusteeship or goes to reside out of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant, and the Board may appoint a trustee in his stead.

Trusts on
which de-
bentures to
be held.

(22) The trustees shall receive and hold the debentures in trust:—

(a) Under the direction of the railway company, but subject to the conditions of the by-law as to the time or manner of so doing, to convert the same into money or otherwise dispose of them;

(b) To deposit the debentures or the amount realized from the sale of them in a chartered bank having an office in Ontario, in the name of "The Railway Municipal Trust Account" (*designating the name of the railway*).

- (c) To deliver the debentures or pay the proceeds of the sale of them to the company from time to time as it becomes entitled thereto under the conditions of the by-law on the certificate of the chief engineer of the railway company, Form 25.

(23) The certificate shall be attached to the cheque or order drawn by the trustees for such delivery or payment. Certificate of engineer to be attached to cheque.

(24) If the chief engineer wrongfully grants any such certificate he shall incur a penalty of \$500, recoverable by any person who may sue therefor. Penalty for wrongfully granting certificate.

(25) The act of any two of the trustees shall be as valid and binding as if they had all joined therein. Acts of two trustees to bind.

(26) The trustees shall be entitled to their reasonable fees and charges from the trust fund. 3-4 Geo. V. c. 43, s. 397. Fees of trustees.

398. By-laws may be passed by the councils of all municipalities.

Amateur Athletic and Aquatic Sports.

1. For aiding amateur athletic or aquatic sports. Sports.

Bands of Music.

2. For aiding the establishment or maintenance of bands of music by any corps of active militia within the county, or any other bands of music. Bands of music.

Bathing Houses.

3. For establishing and maintaining, or for granting money to aid in the construction of public bathing houses. Public bathing houses.

Census.

4. For taking a census of the inhabitants. Local census.

Charitable Institutions, etc.

5. For granting aid to any charitable institution or out-door relief to the resident poor. Aid to charities.

Crimes—Discovery of.

6. For offering and paying rewards for the discovery, apprehension and conviction of persons who have or are believed or suspected to have committed flagrant crimes or to have contravened clause (g) of section 138, or to have been Rewards for apprehension of criminals.

R.S.C. c. 6.
Rev. Stat.
c. 8.

guilty of personation as defined by *The Dominion Election Act* or by *The Ontario Election Act* within the municipality.

Drainage.

Construction of drains, sewers, sewage-disposal works, etc.

7. For constructing, maintaining, improving, repairing widening, altering, diverting and stopping up drains, sewers or water-courses; providing an outlet for a sewer or establishing works or basins for the interception or purification of sewage; making all necessary connections therewith, and acquiring land in or adjacent to the municipality for any of such purposes.

Driving or Riding on Roads and Bridges.

Regulating driving on roads and bridges.

8. For regulating the driving of horses or cattle and the riding of horses on highways and bridges.

Prohibiting racing on highways.

9. For prohibiting racing, immoderate or dangerous driving or riding on highways or bridges.

See section 404, par. 3, as to setting apart streets in cities of 100,000 population for fast driving.

Electors—Submitting Questions to.

Submission of questions of general policy to electors.

10. For submitting to the vote of the electors of any municipal question not specifically authorized by law to be submitted.

Exhibitions.

Acquiring land for agricultural exhibitions, etc.

11. For acquiring land within or without the municipality as a place for holding agricultural, horticultural or industrial exhibitions and for erecting and maintaining buildings thereon for that purpose and for the management of the same.

Power to lease.

12. For leasing for any period not exceeding three years from the making of the lease, any part of the land acquired under paragraph 11, which is not immediately required for the purposes for which it was acquired.

Fat Stock and Other Shows and Exhibitions.

Aid to fat or live stock shows.

13. For granting or lending money or granting land in aid of any association, for the holding of a fat stock or live stock show or exhibition or any exhibition for the promotion or improvement of farming in any of its branches or departments.

Ferry Boats and Ferries.

14. For making an annual grant towards the maintenance and operation of ferry boats or other appliances used at any ferry over a stream or other water separating a part of the municipality from another part of it, or separating it from another municipality in Ontario. Grants to ferries.

Fire Engines and Appliances.

15. For purchasing or renting for a term of years or otherwise, fire engines, fire apparatus, and fire appliances and their appurtenances. Purchasing or renting fire engines, etc.

Flooding—Prevention of.

16. For the purpose of preventing damage to any highway or bridge or to any property within the municipality by floods arising from the overflowing or damming back of a river, stream or creek flowing through or in the neighbourhood of the municipality, for acquiring land in the municipality or in any adjoining or neighbouring municipality, and for constructing such works as may be deemed necessary for that purpose, and for deepening, widening, straightening, or otherwise improving such river, stream or creek in the land so acquired, or removing from it islands, rocks or other natural obstructions to the free flow of the water. Works for prevention of damage by flooding.

Free Libraries.

17. For granting money or land in aid of any public library established under any Act in the municipality or in an adjacent municipality. Public libraries.

Foxes and other Wild Animals—Destruction of.

18. For giving bounties not exceeding \$5 per head for the destruction of foxes and other wild animals which kill or destroy poultry. Bounties for destruction of foxes, etc.

Harbours, Wharves, Beacons, etc.

19. For granting aid for the construction of harbours, wharves, docks, slips and beacons on any river, lake, or navigable water passing in, through, or forming any part of the boundary of the county, on such terms and conditions as to security and otherwise as may be deemed expedient. Aid for construction of harbours, wharves, etc.

20. For making, improving and maintaining public wharves, docks and slips, and for preserving shores, bays, harbours, rivers or waters and the banks thereof. Making, etc., of wharves, docks, etc.

Regulating
harbours.

21. For regulating harbours.

Injuring,
filling up,
etc., of
harbours,
wharves.

22. For prohibiting the injuring, fouling, filling up or incumbering of a public wharf, dock, slip, drain, sewer, water or suction pipe, shore, bay, harbour, river or water.

Beacons.

23. For erecting and maintaining beacons.

Erecting
docks,
elevators.

24. For erecting and renting wharves, piers and docks in harbours, and floating elevators, derricks, cranes and other machinery for loading, discharging or repairing vessels.

Vessels, etc.

25. For regulating vessels, crafts and rafts arriving in a harbour, and for imposing and collecting such reasonable harbour dues thereon as may serve to keep the harbour in good order, and to pay a harbour master.

Removal of
doorsteps,
railings,
projecting
over wharf,
dock, etc.

26. For requiring the owner or occupant of the land in connection with which the same exist, to remove door-steps, porches, railings, or other erections or obstructions projecting into or over any public wharf, dock, slip, shore, bay, harbour, river or water. 3-4 Geo. V. c. 43, s. 398, para. 1-26.

Hospitals, etc.

Aiding
erection,
etc., of
hospitals.

27. For granting aid to any incorporated society or any association of individuals for the erection, establishment, maintenance or equipment of public hospitals for the treatment of persons suffering from disease or from injuries, whether such hospitals are in the municipality or in an adjoining municipality. 3-4 Geo. V. c. 43, s. 398. par. 27. 11 Geo. V. c. 63, s. 6 (1)

Indigent Persons—Aid of.

Aiding
indigent
persons.

28. For aiding in maintaining any indigent inhabitant of, or person found in the municipality, at a house or refuge, hospital or institution for the insane, deaf and dumb or blind, or other public institution of a like character.

Power
to take
security for
advances
made to per-
sons by way
of charity.

(a) Where money is advanced by way of charity or relief to or expended for the benefit of a person who, although in destitute circumstances, is the owner of or interested in land the retention of which is necessary for a dwelling for him, the corporation may take a conveyance of or a security on such land for the amount advanced or expended, and on the death of such person, or the surrender of the land by him to the corporation, the corporation may sell or dispose of the land

and apply the proceeds in payment of the amount so advanced or expended, with interest thereon at the rate of six per cent. per annum, and the costs of the sale and the residue of such proceeds, if any, shall be paid to the executors, administrators or assigns of such person on demand.
3-4 Geo V. c. 43, s. 398, par. 28.

28a. For erecting and placing memorial windows and tablets in commemoration of officers and men of the municipality who have been on active service during the late war with the naval or military forces of Great Britain or her allies.

Memorial
windows,
tablets, etc.

(a) The municipal corporation may borrow money for said purpose by the issue of debentures payable in not more than ten years from the date of issue, and may levy a special rate in each year on all the rateable property in the municipality sufficient to pay the instalments of principal and the interest falling due in respect of the debentures or to pay the interest and provide for a sinking fund to retire the debentures at their maturity;

Issue of
debentures.

(b) It shall not be necessary to obtain the assent of the electors to any by-law passed under the authority of this section or to observe the formalities in relation thereto prescribed by this Act in respect of other money by-laws.

Assent of
electors not
required.

(2) This section shall come into force and take effect on the day upon which it receives the Royal Assent. 10-11 Geo. V. c. 58, s. 10 (1).

28b For the establishment of or for granting aid to the establishment of air harbours or landing grounds in compliance with the "Air Regulations, 1920," as issued by the Air Board of the Dominion of Canada and such other regulations as may be issued from time to time by the said Air Board, and for granting aid for aeronautical research work and for the development and general advancement of the science of aeronautics and the use of air craft.

Establish-
ment of air
harbours
and landing
grounds.

(2) This paragraph shall come into force and take effect on the day upon which it receives the Royal Assent. 11 Geo. V. c. 63, s. 7 (1).

Municipal Officers.

Appoint-
ing cer-
tain officers.

29. For appointing such pound-keepers, road commissioners, pathmasters, fence-viewers, overseers of highways, road surveyors, inspectors of sheep worried or killed by dogs, and other officers in addition to those specially mentioned in this Act and such servants as may be deemed necessary for the purposes of the corporation, or for carrying into effect the provisions of any Act of this Legislature or by-law of the council.

Fixing fees,
duties and
security of.

30. For fixing their remuneration and prescribing their duties, and the security to be given for the performance of them. 3-4 Geo. V. c. 43, s. 398, pars. 29, 30.

Aid to
patriotic
organiza-
tions.

30a. For granting aid to any patriotic organization. 10-11 Geo. V. c. 58, s. 11 (1).

Ontario Municipal Union.

Membership
in union of
municipal-
ties.

31. For the corporation becoming a member of any union of Ontario municipalities for furthering the interests of municipalities and paying the fees for such membership and making contributions for the expenses of the union, and paying the expenses of delegates to any meeting of it or upon its business. 3-4 Geo. V. c. 43, s. 398, par. 31.

Membership
in Canadian
Deep
Waterways
and Power
Association.

31a. For the corporation becoming a member of the Canadian Deep Waterways and Power Association and paying the fees for such membership and for making contributions towards the expenses of such association and paying the expenses of delegates to any meeting of it or upon its business. 10-11 Geo. V. c. 58, s. 11 (2).

Public Parks and Drives.

Acquiring
land for
parks, etc.

32. For acquiring land for and establishing and laying out public parks, squares, avenues, boulevards and drives in the municipality or in any adjoining local municipality, and where there is no Board of Park Management for exercising all or any of the powers which are by *The Public Parks Act* conferred on Boards of Park Management.

Rev. Stat.
c. 203.

Where land
expropriated
is in an
adjoining
municipal-
ity.

(a) A corporation which expropriates land in another municipality, under the powers conferred by this paragraph shall put the land in an efficient state to be used, and open the same to the general public, for the purpose for which it was

acquired, within a reasonable time after such expropriation, and shall maintain and keep the same in an efficient state of repair and shall provide police protection therefor.

33. For accepting and taking charge of land, within or without the municipality, dedicated as a public park for the use of the inhabitants of the municipality. Accepting land dedicated.

Rifle Associations—Militia.

34. For aiding any regularly organized rifle association or any association or corporation having for its object or one of its objects the promotion of military art, science or literature. Aid to rifle associations and militia.

35. For adding to the sum paid, during the period of annual or other authorized drill or when on active service, to any enlisted member of any corps of Active Militia organized within the municipality. Remuneration.

36. For providing military outfit or equipment for the members of such corps. Equipment.

Sidewalks, etc.—Vehicles on.

37. For prohibiting carriages, waggons, bicycles, sleighs and other vehicles and conveyances of every description, and whatever the motive power, or any particular kind or class of such vehicles or conveyances being upon, or being used drawn, hauled or propelled along or upon any sidewalk, pathway or footpath, used by or set apart for the use of pedestrians, and forming part of any highway or bridge, boulevard or other means of public communication, or being in or upon any highway, boulevard, park, park-plot, garden or other place set apart for ornament or embellishment or for public recreation. Prohibiting vehicles on sidewalks, etc.

Victorian Order of Nurses.

38. For granting aid to the Victorian Order of Nurses. Aid to Victorian Order of Nurses.

Water for Fire Purposes.

39. For contracting for a supply of water within the municipality for fire purposes and other public uses, from hydrants or otherwise as may be deemed advisable; and for renting hydrants for any number of years not, in the first instance, exceeding ten; and for renewing the contract from time to time. Contracts for supply of water.

time for periods not exceeding ten years, as the council may deem proper; or for purchasing or erecting hydrants necessary for any of such purposes.

Watering streets.

Contracts with street railway companies for street watering.

40. For contracting with a street railway company for watering any of the highways for any number of years, not exceeding five, and for renewing such contract from time to time for a period not exceeding five years. 3-4 Geo. V. c. 43, s. 398. pars. 32-40.

398a. By-laws may be passed by the councils of all municipalities.

Memorial homes, club houses, etc., for soldiers.

1. For erecting, establishing, equipping and maintaining, or for granting aid for the erection, establishment, equipment and maintenance of a memorial home or club house for nursing sisters, officers and men who have been on active service during the past war with the naval or military forces of Great Britain or her Allies, or of a monument, building or structure or a park in commemoration of officers and men who have died while on such active service.

Agreements.

- (a) The councils of any two or more municipalities may enter into an agreement for carrying out any of the purposes of this paragraph in any one of them; 9 Geo. V. c. 46, s. 11. par. 1. (a)

Exemption from taxation.

2. For exempting from taxation except for local improvements and school purposes for a period not exceeding ten years any such memorial home, club-house, or building and the lands used in connection therewith;

- (a) It shall not be necessary to obtain the assent of the electors qualified to vote on money by-laws if the by-law is approved by a vote of two-thirds of all the members of the council. 9 Geo. V. c. 46, s. 11. par. 2. 11 Geo. V. c. 63, s. 8.

Allowances to widows, children, etc., of deceased soldiers.

3. For granting aid to any fund established for providing allowances to widows, children, widowed mothers, parents, persons acting in *loco parentis* or dependents of nursing sisters, officers and men who resided in the municipality for six months prior to enlistment and who died while

on active service during the past war with the naval or military forces of Great Britain or her Allies;

4. For making grants to nursing sisters, officers and men who have returned from such active service and who resided in the municipality for six months prior to enlistment; ^{Grants to soldiers.}

(a) Paragraphs 3 and 4 shall come into force on the first day of June, 1919. 9 Geo. V. c. 46, s. 11. pars. 3. 4.

399. By-laws may be passed by the councils of local municipalities.

Bathing in Public Waters.

1. For prohibiting or regulating the bathing or washing of the person in any public water in or near the municipality. ^{Bathing.}

Charivaries.

2. For prohibiting charivaries and other like disturbances of the peace. ^{Charivaries.}

Closet Accommodation for Workmen.

3. For requiring the owners, contractors or master workmen engaged in the erection or construction of buildings or public works to provide for the use of the workmen employed in such erection or construction, closet accommodation, to be approved of by the medical health officer, in connection with them. 3-4 Geo. V. c. 43, s. 399, pars. 1-3. ^{Conveniences to be provided by builders.}

Coal Dealers—Taking of Orders by.

- 3a. For requiring every dealer in coal who takes orders for coal for future delivery, and accepts payment in full or on account of such order, to deliver to the purchaser the coal so ordered within the time or times fixed by the by-law. 9 Geo. V. c. 46, s. 13. ^{Fixing time for delivery of goods.}

Cows and other Animals—Keeping of.

4. For regulating the keeping of cows, goats, swine and other animals. ^{Keeping of cows and other animals.}

5. For prohibiting the keeping of cows, goats, swine or other animals, except horses or mules, within the municipality or within defined areas of it.

Contagious Diseases.

Contagious diseases.

6. For providing blank forms for recording and reporting cases of contagious or infectious disease; for placarding houses wherein such cases exist, and for taking such measures as may be deemed necessary for preventing the spread of such diseases.

Cruelty to Animals, Etc.

Cruelty to animals.

7. For preventing cruelty to animals and the destruction of birds.

Disorderly Houses.

Disorderly houses, etc.

8. For suppressing disorderly houses and houses of ill-fame.

Disqualification of Electors not paying Taxes.

Disqualifying electors in arrear for taxes.

9. For disqualifying from voting an elector who has not on or before the 14th day of December next preceding the election paid all municipal taxes due by him.

Drainage of Cellars, Privy Vaults, Etc.

Construction of cellars, drains, etc.

10. For regulating the construction of cellars, sinks, cesspools, water closets, earth closets, privies and privy vaults; for requiring and regulating the manner of the draining, cleaning and clearing and disposing of the contents of them.

Dry earth closets.

11. For requiring the use within the municipality or a defined area of it of dry earth closets. 3-4 Geo. V. c. 43, s. 399, pars. 4-11.

Expenses of cleaning closets, etc.

12. For providing that the cleaning and disposing of the contents of cesspools, water closets, earth closets, privies and privy vaults shall be done exclusively by the corporation.

(a) For such purpose the corporation, its officers and servants shall have all the powers of the local board of health and its officers and servants. 3-4 Geo. V. c. 43, s. 399, par. 12; 9 Geo. V. c. 46, s. 12.

(b) The council may provide for the expense incurred ^{Fixed or graded fees.} in such work by imposing in the by-law authorizing the work or in a separate by-law a fixed fee or graded fees varying according to the different kind of premises served, the time involved in service and such other matters as the council may consider applicable, and such fees shall be rated and assessed against the lands in respect of which such services are rendered in the collector's roll of the municipality and collected and recovered in like manner as municipal taxes.

(c) The council may provide that the collection, re- ^{Special rate according to assessed value.} moval and disposal by the corporation of the contents of earth closets or other sanitary closets throughout the whole municipality, or in defined areas of it shall be done at the expense of the owners or occupants of the land therein, and for that purpose may impose upon such land a special rate according to its assessed value which shall be collected and recovered in like manner as municipal taxes. 9 Geo. V. c. 46, s. 12.

13. For requiring and regulating the filling up, draining, ^{Filling up, draining, etc., grounds, yards, etc.} cleaning, clearing of any grounds, yards and vacant lots and the altering, relaying or repairing of private drains.

14. For making any other regulations for sewerage or ^{Regulations for sewerage, etc.} drainage that may be deemed necessary for sanitary purposes. 3-4 Geo. V. c. 43, s. 399, pars. 13-14.

Egress from Buildings.

15. For regulating, subject to the provisions of *The Egress from Public Buildings Act, The Theatres and Cinematographs Act, and The Factory, Shop and Office Building Act*— ^{Doors of public buildings. Rev. Stat. cc. 235, 236, 229.}

(a) The size and number of doors, aisles, halls and stairs in and other means of egress from hospitals, schools, colleges, churches, theatres, halls, or other buildings used as places of worship, or of public resort, or amusement, or for public meetings, and the street gates leading to them;

(b) The construction and width of stairways in such buildings, and in factories, warehouses, hotels, boarding and lodging houses;

- (c) The materials of which and the manner in which stairs and stair-railings shall be constructed, and the strength of walls, beams and joists and their supports in all such buildings; and
- (d) For requiring the production of the plans of the buildings mentioned in this paragraph now erected or which it is proposed to erect, and for prohibiting the use or erection of them until the provisions of the by-law are complied with to the satisfaction of the architect of the corporation or an officer appointed for the purpose. 3-4 Geo. V. c. 43, s. 399, par. 15; 5 Geo. V. c. 34, s. 23.

Obstruction
of halls,
aisles, etc.

16. For prohibiting and preventing the obstruction by persons or things of the halls, aisles, passage-ways, alleys or approaches in or leading to any such building during the occupation of it by a public assemblage.

Powers of
police
officers as to
seeing that
by-laws
enforced.

- (a) While any building mentioned in clause (a) of paragraph 15 in a city or town is occupied by a public assemblage, the chief constable or any constable of the city or town may enter it to see that the by-law is not being violated, and may require the removal of any obstruction or of any person standing, sitting, or otherwise occupying any hall, aisle, passage-way, alley or approach, except for passing to and fro.

Electricity—Transmission of.

Laying of
pipes or
conduits on
streets.
Rev. Stat.
c. 197.
Transmis-
sion of
electricity.

17. Subject to *The Municipal Franchises Act* for authorizing any person supplying electricity for light, heat and power, to lay down pipes or conduits for enclosing wires for the transmission of electricity under the highways or public squares, or to carry wires for the transmission of electricity or to erect telegraph, and telephone poles and wires across or along any highway or public square, on such terms and conditions as the council may deem expedient.

- (a) A by-law shall not be passed under this paragraph in violation of any agreement of the corporation.

Explosives—Keeping, Manufacturing and Storing of.

Regulating,
storing and
transporta-
tion of
explosives.

18. For regulating the keeping, storing and transporting of—
- (a) Dynamite, dualin, nitro-glycerin, or gunpowder;

(b) Petroleum, gasoline or naphtha; and

(c) Other dangerous or combustible, inflammable or explosive substances;

19. For regulating and providing for the support by fees ^{Fees for support of} of magazines belonging to private persons for the storage ^{magazines.} of the substances mentioned in clause (a) of paragraph 18, and for requiring them to be stored in such magazines.

20. For erecting and maintaining within or without the ^{Erecting and main-} limits of the municipality ^{taining} magazines for the storage of the ^{magazines.} substances mentioned in clause (a) of paragraph 18, and for acquiring the land necessary for that purpose, and for requiring such substances to be stored in such magazines.

21. For limiting the quantity of the substances mentioned ^{Limiting} in clause (a) of paragraph 18, which may be kept in any ^{quantity to} place other than such a magazine, and for regulating the ^{be kept.} manner in which the same are to be kept or stored.

22. For prohibiting or regulating the establishment within ^{Prohibiting} the municipality of factories or other places for the manu- ^{manufac-} facture or storage of any of the substances mentioned in ^{ture of} clause (a) of paragraph 18. ^{explosives.}

23. For requiring the submission of plans of the premises ^{Submission} including the buildings upon or in which it is proposed that ^{of plans of} such manufacture or storage shall take place, and the ap- ^{premises.} proval of them by the council before the manufacture or storing is commenced.

24. For requiring such buildings to be surrounded by ^{Height and} walls or fences and for regulating the height and description ^{description} of such walls or fences and their distance from such build- ^{of fences} ings, and also the distance from any other building, at which ^{around} such manufacture or storage may be carried on. ^{buildings.}

25. For regulating the carrying on of the business of ^{Regulating} manufacturing or storing such substances, whether the busi- ^{business of} ness has been heretofore or shall be hereafter established, ^{manufac-} and prescribing the precautions to be taken for the preven- ^{turing ex-} tion of fires and accidents from the combustion or explosion ^{plosives.} of such substances.

26. For granting licenses for the carrying on of the busi- ^{Licenses} ness of manufacturing such substances or for storing them ^{for carry-} in quantities of more than twenty-five pounds, and prescrib- ^{ing on} ing the time, not exceeding five years, during which the ^{business.} licenses shall remain in force.

- (a) The license fee shall not exceed \$25 a month for every month in which such business shall be carried on.

Prohibiting,
etc., storing,
of gasoline,
etc.

27. For prohibiting or regulating the keeping or storing of gasoline or benzine, and prescribing the materials of which the vessels containing it shall be composed, and the classes of buildings in which it may be stored or kept for sale, and for making regulations for the prevention of fires and accidents from the combustion or explosion of such substances.

Fences.

Height and
kind of
fence

28. For prescribing the height and description of lawful fences.

Along
highways.

29. For prescribing the height and description of, and the manner of maintaining, keeping up and laying down fences along highways or parts thereof; and for making compensation for the increased expenses, if any, to persons required so to maintain, keep up or lay down any such fence.

Division
fences,
apportion-
ment of cost.
Rev. Stat.
c. 90.

30. For determining how the cost of division fences shall be apportioned; and for providing that any amount so apportioned shall be recoverable under *The Ontario Summary Convictions Act*;

Rev. Stat.
c. 259.

(a) Until a by-law is passed, *The Line Fences Act* shall apply.

Barbed wire
fences.

31. For requiring proper and sufficient protection against injury to persons or animals by fences constructed wholly or partly of barbed wire or any other barbed material to be provided by the owner of the land; and in towns and cities for prohibiting the erection along the highways of fences made wholly or partly of barbed wire or any other barbed material.

Water gates.

32. For requiring the owners of land to erect and maintain a water gate where a fence crosses an open drain or watercourse.

Fire—Prevention of Accidents by.

Providing
against
accidents
by fire.

33. For securing against accident by fire the inmates and employees and others in factories, hotels, boarding-houses, lodging-houses, warehouses, theatres, music halls, opera houses and other buildings used as places of public resort or amusement.

Fire Escapes.

34. Subject to the provisions of any other Act requiring fire escapes, for compelling the owners and occupants of buildings more than two storeys in height, except private dwellings, to provide proper fire escapes therefor in such places of such pattern and mode of construction as may be deemed proper; and for prohibiting the occupation of any such building unless or until such fire escapes are provided.

Compelling
use of fire
escapes.

Fires in Open Air.

35. For prescribing the times during which fires may be set in the open air, and the precautions to be observed by persons setting out fires.

Prescribing
times for
setting fires
and pre-
cautions.

Firearms and Fireworks.

36. For prohibiting or regulating the discharge of guns or other firearms; and the firing and setting off of fireballs, squibs, crackers or fireworks.

Discharge
of firearms,
fireworks,
etc.

Food.

37. For regulating the delivery and exposure for sale upon a highway or in a market or public place of meat, poultry, game, flesh, fish or fruit, or the carcass of any animal.

Regulating
the delivery
or exposure
for sale of
meat, etc.

38. For appointing inspectors, and for providing for the inspection of meat, poultry, fish and natural products offered for sale for human food, whether on the streets or in public places, or in shops.

Inspection
of milk and
provisions.

39. For authorizing the seizing and destroying of tainted and unwholesome articles of food. 3-4 Geo. V. c. 43, s. 399, pars. 16-39.

Seizing
tainted food.

Food and Fuel.

39a. With the approval of the Municipal Board and within the limitations and restrictions and under the conditions prescribed by Order of the Board.

Power to
buy and sell
fuel and
food.

- i. For buying and storing fuel and such articles of food as may be designated by Order of the Board and for selling the same to dealers and residents of the municipality;

- ii. For acquiring land, erecting buildings, establishing, conducting and maintaining depots, stores, warehouses and yards and purchasing machinery, plant, appliances and equipment necessary for such purposes;
- iii. For appointing officers, clerks and servants to manage and conduct such businesses;
- iv. For making rules and regulations and doing all such other acts and things as may be necessary for the full and proper carrying out of such powers.
- v. For borrowing from time to time by the issue of debentures payable in not more than ten years from the date of issue the money necessary for such purposes.
 - (a) The by-law need not be assented to by the electors, but shall require a vote of two-thirds of all the members of the council.
 - (b) After the by-law has been approved by the Municipal Board it shall also be approved by the Lieutenant-Governor in Council and may then be finally passed by the Council. 7 Geo. V. c. 42, s. 12 (2).

Gambling Houses, etc.

- Gaming. 40. For suppressing gambling houses, and for seizing and destroying faro-bank, rouge et noir, or roulette tables, and other devices for gambling found in them.

Gas Works, Tanneries, Distilleries, etc.

- Gas works, distilleries, etc. 41. For prohibiting or regulating the erection or continuance of gas works, tanneries, or distilleries or other manufactories or trades which in the opinion of the council may prove to be or may cause nuisances.

Graves—Protection of.

- Protecting graves. 42. For prohibiting the violation of cemeteries, graves, tombs, tombstones, or vaults where the dead are interred.

Hoists, Scaffolds, etc.

- Construction of hoists, scaffolding, etc. 43. For regulating and inspecting the construction and erection of hoists, scaffoldings and other apparatus and appliances used in erecting, repairing, altering or improving

buildings, chimneys, or other structures; and for making regulations for the protection and safety of workmen and others employed thereon; and for appointing inspectors of scaffolding.

(As to appointment of inspectors under The Buildings Trades Protection Act and as to additional scaffold regulations, see Rev. Stat. c. 228, ss. 3 and 7).

Manufactures and Trades.

44. For regulating manufactures and trades which in the opinion of the council may prove to be or may cause nuisances. Noxious manufactures and trades.

Noises.

45. For prohibiting or regulating the ringing of bells, the blowing of horns, shouting and unusual noises, or noises calculated to disturb the inhabitants. Ringing of bells, etc.

Nuisances.

46. For prohibiting and abating public nuisances. Nuisances.

47. For prohibiting the hauling of dead horses, offal, night soil or any other offensive matter or thing along any highway during the hours of daylight. Hauling dead horses, etc., through the streets in daylight.

Placards, etc.—Indecent.

48. For prohibiting the posting or exhibition of placards, play bills, posters, writings or pictures or the writing of words, or the making of pictures or drawings, which are indecent or may tend to corrupt or demoralize, on any wall or fence or elsewhere on a highway or in a public place. Indecent placards, etc.

Plays—Immoral or Indecent.

49. For prohibiting the production or giving of an immoral or indecent play or performance in any theatre, hall or other public place of amusement or entertainment, and for authorizing the chief constable, the deputy chief constable or any inspector of police, or any officer or person specially detailed for that purpose, to enter any theatre, hall or other place of public amusement or entertainment, and if at his request such play or performance is not forthwith stopped; to apprehend the performers without warrant, and to take them as soon as practicable before a Police Magistrate or a Justice of the Peace. Immoral plays in theatres.

Poles and Wires.

Electric
light, etc.,
poles and
wires.
Rev. Stat.
c. 197.

50. Subject to *The Municipal Franchises Act* for regulating the erection and maintenance of electric light, power, telegraph and telephone poles and wires and poles and wires for the transmission of electricity upon the highways or elsewhere within the municipality.

By-laws
for laying
pipes or
conduits for
electric
wires.
Rev. Stat.
c. 39.

51. Subject to *The Power Commission Act* for constructing or laying down pipes or conduits for enclosing wires for the transmission of electricity under, or for erecting towers or poles for the support of wires for such purpose across or along any highway or public place, and for entering into agreements with electric light or power, telegraph or telephone companies for the use by them of such pipes, conduits or poles, for such consideration and on such terms and conditions as may be agreed upon.

Pounds, etc.

Providing
pounds.

52. For providing sufficient yards and enclosures for the safe keeping of such animals as it may be the duty of the pound-keeper to impound.

Animals
running
at large.

53. For prohibiting or regulating the running at large or trespassing of animals, other than dogs, and for providing for impounding them and for causing them to be sold, if they are not claimed within a reasonable time, or if the damages, fines and expenses are not paid according to law.

Apprais-
ing the
damages.

54. For appraising the damages to be paid by the owners of animals impounded for trespassing, contrary to law or the by-laws of the municipality.

Compensa-
tion for
impounding
animals.

55. For determining the compensation to be allowed for services rendered in carrying out the provisions of any Act, with respect to animals impounded or distrained and detained in the possession of the distrainer. 3-4 Geo. V. c. 43, s. 399, pars. 40-55.

Seeds—Purchase and Donation of.

Purchase
and donation
of vegetable
and root
seeds.

55a. For purchasing supplies of any or all kinds of vegetable and root seeds and donating them to residents of the municipality on such terms and conditions as may be fixed by the by-law for the purpose of promoting and aiding the production of crops from the planting of such seeds. 7 Geo. V. c. 42, s. 13.

Sewers—Extension of.

56. Where a local municipality is so situate that it is necessary, in order to procure an outlet for a sewer or to connect it with a sewage farm, to extend it into or through an adjacent municipality, for so extending it, or for extending and connecting it with any existing sewer of such adjacent municipality, upon such terms and conditions as may be agreed upon, or in case of failure to agree, as may be determined by arbitration.

Extension of sewers into adjoining municipality.

- (a) Where the council of the adjacent municipality objects to allow such extension or connection, the arbitrators shall determine not only the terms and conditions upon which the extension or connection is to be made, but also the location of the sewage farm, filtering plant or artificial means of sewage disposal which is contemplated, and whether the extension or connection should be allowed to be made.

Arbitrators to determine conditions on which connections may be made.

- (b) Nothing in this paragraph shall authorize the making of an open drain or sewer, or affect the provisions of *The Ditches and Watercourses Act*, or limit any of the powers conferred on townships by that Act.

Rev. Stat. c. 260.

Signs, Etc.

57. For prohibiting or regulating the erection of signs or other advertising devices, and the posting of notices on buildings or vacant lots.

Posters.

58. For prohibiting the pulling down or defacing of signs or other advertising devices and notices lawfully affixed.

Pulling down of signs and notices.

Slaughter Houses.

59. For establishing and maintaining public slaughter houses.

Establishing slaughter houses.

60. For prohibiting or regulating and inspecting the erection or continuance of slaughter houses, and for prohibiting the slaughter of animals intended for food, except in slaughter houses designated in the by-law.

Prohibiting and regulating.

- (a) In towns, villages and townships this clause shall not apply to the slaughter of animals for the use of the person killing them or of his family.

Snow and Ice—Removal of.

Clearing
away snow
and ice
from roofs
and side-
walks.

61. For requiring the occupants of buildings adjoining a highway in the municipality or in any defined area of it to clear away and remove the snow and ice from the roofs of such buildings and from the sidewalks adjoining their premises, and for regulating the times when and the manner in which the same shall be done.

Case of
unoccupied
buildings
and vacant
land.

62. For clearing away and removing snow and ice from the roofs of unoccupied buildings adjoining a highway and from the sidewalks adjoining the premises and adjoining vacant land in the municipality or in any defined area of it at the expense of the owner, and for collecting or recovering the expenses incurred in so doing in the manner provided by section 500.

Sparring Exhibitions, etc.

Sparring
exhibitions
and boxing
matches.

63. For prohibiting sparring exhibitions and boxing matches, where an admission fee is charged, without the written permission of the chief constable in a city or town, or of the reeve in townships and villages.

Steam Transmission.

Transmit-
ting steam
under
highways.

64. For authorizing any person supplying steam for heat or power to lay down pipes or conduits for transmitting steam under the highways or public squares, on such terms and conditions as the council may deem expedient.

(a) A by-law shall not be passed under the authority of this paragraph in violation of any agreement of the corporation.

Vagrants, etc.

Vagrants.

65. For restraining and punishing vagrants, mendicants, and persons found drunk and disorderly in any highway or public place.

Vice—Preventing.

Vice,
drunken-
ness, etc.

66. For preventing vice, drunkenness, profane swearing, indecent, obscene, blasphemous or grossly insulting language, and other immorality and indecency, and the indecent public exposure of the person.

Watercourses and Drains—Obstruction of.

67. For prohibiting the obstruction of any drain or water-course, and for permitting and regulating the size and mode of construction of culverts and bridges which cross any drain or watercourse situate on a public highway.

Obstruction of drains.

Water Closets, Privy Vaults, etc.—Filling up.

68. For requiring owners, lessees and occupants of land in the municipality or any defined area of it to close or fill up water closets, privies, privy vaults, wells or cess-pools, the continuance of which may, in the opinion of the council or the medical health officer, be dangerous to health.

Closing and filling up cesspools, etc.

Weeds.

69. For prohibiting the growth of Canada thistles and other weeds detrimental to husbandry and for compelling the destruction thereof; for appointing an inspector to enforce the by-law, and for prescribing his duties and fixing his remuneration.

Prevention of growth of thistles and weeds. Appointment of inspector to enforce by-law.

Wells and Water.

70. For establishing, protecting, regulating and cleaning public and private wells, reservoirs and other public and private conveniences for the supply of water; for prohibiting the fouling of them, or the wasting of the water, and for procuring an analysis of such water, and providing for the payment of the expense thereof, and for making reasonable charges for the use of public water.

Cleaning and prohibiting fouling of wells, etc.

71. For the closing or filling up of public or private wells.

Filling up wells.

72. For compelling the use within the municipality or any defined area therein, for drinking and domestic purposes, of water supplied from the water-works of the municipality or of a water-works company; and for prohibiting the use within the municipality or such area of spring or well water for such purposes. 3-4 Geo. V. c. 43, s. 399, pars. 56-72.

Compelling use of water supply.

Coasting and Tobogganing.

73. For prohibiting or regulating coasting or tobogganing on the highways.

Coasting and tobogganing.

Spitting on sidewalks, etc.

74. For prohibiting spitting on sidewalks and pavements, and in the passages and stairways of and entrances to public buildings, and in buildings, halls, rooms and places to which the public resort, in street cars and public conveyances and in such other public places as may be designated in the by-law. 11 Geo. V. c. 63, s. 9 (1).

Spitting on sidewalks, in public buildings, etc.

By-laws
setting
apart dis-
tricts
reserved for
private
residences,
etc.

399a. By-laws may be passed by the councils of cities, towns and villages, and of townships abutting on an urban municipality;

Establishing Restricted Districts or Zones.

1. For prohibiting the use of land or the erection or use of buildings within any defined area or areas or abutting on any defined highway or part of a highway for any other purpose than that of a detached private residence.

2 For regulating the height, bulk, location, spacing and character of buildings to be erected or altered within any defined area or areas or abutting on any defined highway or part of a highway, and the proportion of the area of the lot which such building may occupy.

- (a) No by-law passed under this section shall apply to any land or buildings which on the day the by-law is passed, is erected or used for any purpose prohibited by the by-law so long as it continues to be used for that purpose, nor shall it apply to any building the plans for which have been approved by the city architect prior to the date of the passing of the by-law, so long as when erected it is used for the purpose for which it was erected.
- (b) No by-law passed under this section shall come into force or be repealed or amended without the approval of the municipal board; but such approval may be given, as to the whole or any part of an area or highway affected, if it is shown to the satisfaction of the board that it is proper and expedient in view of:
 - (i) The purpose for which the original by-law was passed and the nature and class of occupancy and use of the land within the area or abutting on the highway at the time the by-law was passed;
 - (ii) Any change which may since have taken place affecting its suitability for such occupancy or use; and
 - (iii) The desirability of the proposed repeal or amendment in the interests of the owners of the land in the district affected and of the community as a whole. 11 Geo. V. c. 63, s. 10.

400. By-laws may be passed by the councils of urban municipalities.

Bathing and Boat-Houses—Inspection of.

1. For inspecting public bathing-houses and boat-houses or premises wholly or partly used for boat-house purposes; and for prohibiting their use for illegal or immoral purposes. Inspection of bathing and boat houses.

Begging.

2. For prohibiting common begging or persons from importuning, in the highways or public places, others for help or for aid in money, and deformed, malformed, or diseased persons from exposing themselves, or being exposed there, to excite sympathy or for the purpose of obtaining help or assistance. Prevention of begging, etc. 3-4 Geo. V. c. 43, s. 400, pars. 1, 2.

Borrowing Money for Certain Purposes Without Assent of Electors.

3. Where the corporation of an urban municipality has heretofore constructed, purchased or acquired, or hereafter constructs, purchases or acquires gas, electric light, power or water works or works for the development of a water power for generating, or works for producing, transmitting or distributing electrical power or energy or sewerage works or works for the interception, purification or disposal of sewage, at the expense of the corporation at large, or where any such corporation has undertaken the construction, purchase or acquisition of any such works and it appears that the cost of such construction, purchase or acquisition has exceeded or will exceed the amount already provided for that purpose,—for borrowing such further sums as may be necessary to extend, improve or complete such works or the purchase or acquisition of the same. Borrowing money for extension of water, gas, electric, light works, etc. 3-4 Geo. V. c. 43, s. 400, par. 3; 9 Geo. V. c. 46, s. 14 (1).

(a) The by-law shall not require the assent of the electors if it is passed by a vote of three-fourths of all the members of the council and is approved by the Municipal Board. When assent of electors not required. 3-4 Geo. V. c. 43, s. 400, par. 3 (a).

(b) Such approval may be given if it is shown to the satisfaction of the Board that the expenditure proposed to be made for such extension or improvement or for the completion of such works or such purchase or acquisition is necessary, and that a sufficient additional revenue will be de- Approval of board, conditions precedent to.

rived therefrom to meet the annual payments in respect of such debt and the interest thereon or in the case of the extension or improvement of waterworks where it is made to appear to the said board that the net revenue derived from such waterworks justifies the construction of such extension or improvement or in the case of the extension or improvement of sewerage works or works for the interception, purification or disposal of sewage, that such extension or improvement is approved of by the Provincial Board of Health. 3-4 Geo. V. c. 43, s. 400, par. 3 (b); 9. Geo. V. c. 46, s. 14 (2); 11 Geo. V. c. 63, s. 12.

- (c) This paragraph shall not apply to works required by the Provincial Board of Health to be established, improved, extended, enlarged, altered or renewed or replaced. 3-4 Geo. V. c. 43, s. 400, par. 3 (c); 4 Geo. V. c. 33, s. 11.

Buildings—Heating.

Regulation,
etc., of
heating
plants.

- 3a. For regulating, controlling, and inspecting the installation of all hot water and steam heating plants. 11 Geo. V. c. 63, s. 11.

Buildings—Strength of Walls, Beams, etc.

Size and
strength of
walls, etc.,
and produc-
tion of
plans.

4. For regulating the size and strength of brick, stone, cement and concrete walls, and of the beams, joists, rafters, roofs and their supports of all buildings to be erected, altered or repaired, and for requiring the production of the plans of all buildings, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees. 3-4 Geo. V. c. 43, s. 400, par. 4.

Buildings—Removing or Wrecking.

Regulating
removal
and wreck-
ing of
buildings.

- 4a. For regulating the removing or wrecking of buildings, and the spraying thereof during such work so as to prevent dust or rubbish arising therefrom. 5 Geo. V. c. 34, s. 24.

Restriction
on use of
buildings
for purposes
for which
they are
structurally
unsuited.

- 4b. For regulating and governing the use of any building for purposes for which it may be structurally unsuited or which from the size or strength of its walls, supports or floors may render the same dangerous and for requiring the owner or occupant to obtain a permit from the architect or other municipal officer named in the by-law before putting any building to such use. 11 Geo. V. c. 63, s. 13

Cab Stands and Booths.

5. For authorizing and assigning stands on the highways and in public places for motor vehicles not kept for hire, and for motor vehicles and other vehicles kept for hire, and regulating the use of the said stands, and for authorizing the erection and maintenance of covered stands or booths on the highways and in public places for the protection or shelter of the drivers of such motor vehicles and other vehicles kept for hire; but no such covered stand or booth shall be placed upon the sidewalk without the consent of the owner and occupant of the adjoining land. 8 Geo. V. c. 32, s. 6.

Stands for vehicles.

Cellars—Plans of.

6. For requiring owners and occupants to furnish the council with the levels, with reference to a line fixed by by-law, of their cellars heretofore or hereafter dug or constructed, and for taking such other means as may be deemed necessary for ascertaining such levels.

Ascertaining levels of cellars, etc.

7. For requiring to be deposited with an officer named in the by-law, before the erection of a building is commenced, a ground or block plan of the building, with the levels of the cellars and basements, with reference to a line fixed by by-law.

Compelling the furnishing of ground or block plan of buildings to be erected.

Children Riding behind Vehicles.

8. For prohibiting children from riding on the platforms of cars, or riding behind or getting on waggons, sleighs or other vehicles while in motion, and for preventing accidents arising from such causes.

Prohibiting children from riding behind waggons etc.

Note.—*Par. 9 repealed by 11 Geo. V. c. 63, s. 9. (2). Covered by s. 399 par. 73.*

Dogs—Licensing of.

9a. For licensing and requiring the registration of dogs and for imposing a license fee on the owners, possessors or harbourers of them, with the right to impose a larger fee in the case of bitches or for each additional dog or bitch where more than one is owned, possessed or harboured by any one person or in any one household.

Licensing and registration of dogs.

- (a) Where the license fee is equal to or exceeds the amount of the tax imposed by *The Dog Tax and Sheep Protection Act*, sections 3 to 8 of that Act shall not apply while the by-law remains in force, and it shall not be necessary to enter any particulars as dog taxes on the collector's roll. 5 Geo. V. c. 34, s. 25.

Rev. Stat. c. 246.

Drainage Purposes—Acquiring Land in Another Municipality for.

Acquiring land in another municipality for drainage purposes.

10. For acquiring, with the consent of the council thereof, land in any other municipality required for preventing such urban municipality or any part of it from being flooded by surface or other water flowing from such other municipality or for an outlet for such water; and for constructing, maintaining and improving drains, sewers and watercourses in the land so acquired.

Drill Sheds and Armouries.

Site for drill shed or armoury.

11. For acquiring land in the municipality for a drill shed or armoury for any militia or volunteer corps having its headquarters in the municipality.

Elevators, Hoists, etc.

Erection of hoists and elevators. Rev. Stat. c. 229.

12. Subject to *The Factory, Shop and Office Building Act* and any other Act relating to cranes, elevators and hoists, for regulating the construction of and for inspecting cranes, hoists and elevators, and for regulating the manner in which elevators and hoists which are to be operated automatically or otherwise in buildings, shall be constructed and operated, and for licensing elevators and hoists used by the public or by employees.

Fire Engines, etc.—Right of Way on Highways.

Right of way on streets for fire reels.

13. For providing that the reels, engines and vehicles of the Fire Department shall have the right of way on the streets and highways while proceeding to a fire or answering a fire alarm call.

Firemen, etc.

Establishing fire companies, etc.

14. For appointing fire wardens, fire engineers and firemen and for promoting, establishing, and regulating fire hook-and-ladder, and property saving companies.

Firemen, etc.—Medals, Rewards and Gratuities to.

Rewards to firemen and persons distinguishing themselves at fires.

15. For providing medals or rewards for persons who distinguish themselves at fires; and for granting gratuities to the members of the fire brigade who have become incapacitated for service on account of injuries or ill-health caused by accident or exposure at fires, or from old age or inability to perform their duties, and for granting pecuniary aid or other assistance to the widows and children of persons killed

by accident while in the discharge of their duties at fires, or who die from injuries received or from illness contracted while in the service of the corporation as firemen.

Fires—Prevention of.

16. For regulating the construction, alteration or re-
pairs of buildings. Erection of build-ings, etc.
17. For prohibiting the erection of wooden buildings or wooden additions, and of wooden fences, or the removal of
any such building or fence from one place to another in de-
fined areas of the municipality. Wooden buildings.
18. For prohibiting the erection or placing within defined
areas of buildings or additions to them with main walls other
than of brick, cement, concrete, iron or stone, and roofing of
other than incombustible material. Kind of walls.
19. For regulating the repairing or alteration of roofs
or the external walls of existing buildings within such areas,
so that the buildings may be as nearly as practicable fire-
proof. Repairs to existing buildings.
20. For authorizing the pulling down or removal, at the
expense of the owner, of any building or erection constructed,
altered, repaired or placed in contravention of the by-law.
Pulling down, etc., buildings illegally erected.
21. For authorizing the pulling down or repairing or
renewing, at the expense of the owner, of any building, fence,
scaffolding or erection, which, by reason of its ruinous or
dilapidated state, faulty construction or otherwise is in an
unsafe condition as regards danger from fire or risk of
accident. Pulling down build-ings in ruinous state.
22. For prohibiting or regulating the use of fire or lights
in factories, stables, cabinet makers' shops, carpenters' shops,
paint shops, dye and cleaning works, and places where their
use may cause or promote fire. Fire in stables, etc.
23. For prohibiting or regulating the carrying on of manu-
factures or trades which may be deemed dangerous in caus-
ing or spreading fire. Dangerous manufac-tures.
24. For regulating and inspecting wires and other appa-
tus placed or used for the transmission of electricity for any
purpose in or along any highway or on or in any building,
and for requiring any such wire or other apparatus which is
deemed unsafe or dangerous to be removed or repaired at the
expense of the person to whom it belongs or who is using it.
Inspecting and regu-lating elec-tric wires, etc.

- Construction of chimneys, fireplaces, etc. 25. For regulating the construction of chimneys, flues, fireplaces, stoves, ovens, boilers or other apparatus or things which may be dangerous in causing or promoting fire, and for removing at the expense of the owner any of them constructed in contravention of the by-law.
- Dimensions and cleaning of chimneys. 26. For regulating the construction as to dimensions and otherwise, and for enforcing the proper cleaning of chimneys.
- Removal of ashes. 27. For regulating the mode of removal and safe keeping of ashes.
- Erection of party walls. 28. For regulating and enforcing the erection of party walls.
- Scuttles, ladders, etc., to houses. 29. For requiring the owners and occupants of buildings to have scuttles in the roof, with approaches, or stairs or ladders leading to the roof.
- Guarding buildings against fire. 30. For requiring buildings and yards to be put in a safe condition to guard against fire or other dangerous risk or accident.
- Fire buckets. 31. For requiring each inhabitant to provide as many fire buckets, in such manner and at such time as may be prescribed; and for regulating the inspection of them and their use at fires.
- Inspection of premises. 32. For authorizing appointed officers to enter at all reasonable times upon any property, in order to ascertain whether the provisions of the by-law are obeyed, and to enforce or carry into effect the same.
- Preventing spreading of fire. 33. For suppressing fires, and for pulling down or demolishing buildings or other erections when deemed necessary to prevent the spread of fire.
- Enforcing assistance at fires. 34. For regulating the conduct and enforcing the assistance of persons present, and for the preservation of property at fires.
- Regulations. 35. For making such other regulations for preventing fires and the spread of fires as the council may deem necessary.
- Harbours, Wharfs, Waters, etc.—Removal of Obstructions from.*
- Removal of sunken vessels, etc., from harbours, etc. 36. For requiring and regulating the removal from any public wharf, dock, slip, drain, sewer, shore, bay, harbour, river or water, of all sunken, grounded or wrecked vessels,

barges, crafts, cribs, rafts, logs or other obstructions or encumbrances, by the owner, charterer or person in charge, or any other person who ought to remove the same.

Milk and Bread Tickets, etc.

37. For regulating the use of tickets, checks or coupons ^{Milk and bread} by vendors of or dealers in milk, bread, or other articles of ^{tickets.} food.

Naming and Surveying Streets.

38. To provide for surveying, settling and mark- ^{Marking} ing the boundary lines of highways and giving names to them ^{the boun-} or changing their names, and for affixing the names at the ^{daries of} corners thereof, on public or private property: ^{and naming} streets, etc.

- (a) A by-law for changing the name of a highway shall ^{Proceedings} not have any force or effect unless passed by a ^{for chang-} vote of at least three-fourths of all the members ^{ing names} of the council, or until a copy of it certified ^{of streets.} under the hand of the clerk and the seal of the corporation has been registered in the registry office of the proper registry division.
- (b) A by-law for changing the name of a highway in a city or town shall state the reason for the change, and shall not be finally passed until it has been approved by a Judge of the County or District Court of the County or District in which the municipality is situate.
- (c) The Judge, on the application of the council, shall appoint a day, hour and place for considering the by-law, and for hearing those advocating and opposing the change.
- (d) A copy of the by-law and of the appointment shall be served on the registrar of the registry division in which the municipality is situate at least two weeks before the time appointed, and a notice of the application in such form as the Judge may approve shall be published once in the *Ontario Gazette* at least two weeks before the time so appointed, and at least once a week for four successive weeks in such other newspaper or newspapers as the Judge may direct.
- (e) If the Judge approves of the change he shall so certify, and his certificate shall be registered with the by-law, and the change shall take effect from the date of the registration.

Numbering Houses and Lots.

Numbering
houses, etc.

39. For numbering the buildings and lots along the highways and for affixing numbers to the buildings, and for charging the owner or occupant with the expense incident to the numbering of his building or lot.

- (a) Such expense may be collected in the same manner as taxes, and if paid by the occupant, subject to any agreement between him and the owner, may be deducted from the rent payable to the owner.

Numbers and Record of Streets.

Record of
streets,
numbers,
etc.

40. For keeping (and every such council shall keep) a record of the highways and of the numbers of the buildings and lots, and for entering therein (and every such council is hereby required to enter therein) a division of the streets with boundaries and distances for public inspection.

Pits and Quarries.

Pits and
quarries.

41. For prohibiting the making of pits and quarries in the municipality or regulating the location of them.

- (a) The making or locating of a pit or quarry in contravention of the by-law in addition to any other remedy may be restrained by action at the instance of the corporation.

Runners.

Importun-
ing travel-
lers.

42. For prohibiting persons from importuning on a highway or in a public place others to travel in or employ any vessel or vehicle, or to go to any tavern or boarding house, or for regulating persons so employed. 3-4 Geo. V. c. 43, pars. 10-42.

Sewer Rents.

Sewer rents.

43. For charging all persons who own or occupy land drained, or which by by-law of the council is required to be drained, into a common sewer, a reasonable rent for the use of it; for regulating the time and manner in which the rent is to be paid; for providing for the payment of a commutation of such rent or charging a gross sum in lieu of rent and for the payment of such commutation or gross sum either in cash or by instalments with interest.

- (a) This paragraph shall not apply to a sewer constructed as a local improvement. 3-4 Geo. V. c. 43, s. 400, par. 43.
- (b) All sewer rents shall form a lien and charge upon the real estate upon or in respect of which the same have been assessed and rated or charged and shall be collected in the same manner and with the like remedies as ordinary taxes on real estate are collected under the provisions of *The Assessment Act*. 6 Geo. V. c. 39, s. 5
- Sewer rents
a charge
on land.
- Rev. Stat.
c. 195.

Sidewalks—Horses and Cattle upon.

44. For prohibiting the leading, riding or driving of horses or cattle upon sidewalks or in other places not proper therefor. 3-4 Geo. V. c. 43, s. 400, par. 44.

Driving,
etc., upon
sidewalks.

Smoke Prevention.

45. For requiring the owner, lessee, tenant, agent, manager or occupant of any premises in, or of a steam boiler in connection with which a fire is burning and every person who operates, uses or causes or permits to be used any furnace or fire, to prevent the emission to the atmosphere from such fire of opaque or dense smoke for a period of more than six minutes in any one hour, or at any other point than the opening to the atmosphere of the flue, stack or chimney.

Smoke
prevention.

- (a) This paragraph shall not apply to a furnace or fire used in connection with the reduction, refining, or smelting of ores or minerals or the manufacture of cement or bricks or tiles or to dwelling houses except apartment houses. 3-4 Geo. V. c. 43, s. 400, par. 45 (a). 11 Geo. V. c. 63, s. 14.
- (b) No person shall incur a penalty for an infraction of the by-law until 90 days after notice from the corporation of the existence of such by-law and such notice may be given by publication of the by-law in the *Ontario Gazette* and in a daily newspaper published in the municipality for four successive weeks. 3-4 Geo. V. c. 43, s. 400, par. 45 (b); 5 Geo. V. c. 34, s. 26.

Note.—Par. 46 repealed by 11 Geo. V. c. 63, s. 9 (2). Covered by s. 399 par. 74).

Stables, etc.

Location
of stables,
garages, etc.

47. For regulating the location, erection and use of stables, garages, barns, outhouses and manure pits.

Trading Stamps, Coupons, etc.

Trading
stamps and
coupons.

48. For prohibiting the giving, selling, or distributing of or the dealing with trading stamps, coupons, or other similar devices, by any person engaged in trade or business or the receiving of them.

Merchants'
premium
coupons.

(a) The by-law shall not apply to a merchant or manufacturer who places in or upon packages of goods, or delivers to purchasers of goods sold or manufactured by him at the time of the purchase, tickets or coupons, which state upon their face the place of delivery thereof, and the cash or merchantable value of them, and are redeemable at any time, but only by the merchant or manufacturer giving them and at the place where such goods were sold or purchased. 3-4 Geo. V. c. 43, s. 400, pars. 46-48.

Traffic on Highways, etc., Driving of Cattle, etc.

Regulating
traffic on
streets and
width of
wheels.

49. For regulating traffic in the highways and the width of the tires and wheels of all vehicles used for the conveyance of articles of burden, goods, wares or merchandise; and for prohibiting heavy traffic and the use of traction engines and the driving of cattle, sheep, pigs and other animals during the whole or any part of the day or night in certain highways and public places named in the by-law, and for prohibiting traffic in any but one direction in highways which in the opinion of the council are too narrow for the passing of one vehicle by another or in which, in the opinion of the council, it is desirable that traffic should be limited to one direction. 3-4 Geo. V. c. 43, s. 400, par. 49; 8 Geo. V. c. 32. s. 7; 10-11 Geo. V. c. 58, s. 12.

Safety zones.

49a. For setting aside and designating in a suitable visible manner, on any highway upon which street cars are operated, any part or parts as a "safety zone" and for prohibiting motor or other vehicles from driving over or upon any such safety zone while any pedestrian is thereon or about to enter thereon. 10-11 Geo. V. c. 58. s. 13.

Watchmen.

Appoint-
ment of
night-
watchmen.

50. For employing and paying one or more watchmen to patrol at night, or between certain hours of the night, any highway or part of a highway, to be defined by the by-

law and to guard and protect property; and for levying and collecting in the same manner and at the same time as taxes are levied and collected, by special rate, according to its assessed value, upon the land abutting on such highway or part of a highway within the limits defined by the by-law, except vacant lots, the expenses of or incidental to the employment of such night-watchmen.

- (a) The by-law shall not be passed except upon petition of two-thirds of the assessed owners and tenants of the land liable to be charged with the expenses, representing at least two-thirds of the assessed value of such land. Petition by ratepayers.
- (b) A petition shall not be acted on unless the signatures to it, and that the contents of it were made known to each person before signature, are proved by affidavit. Proof of signatures.
- (c) As between the landlord and tenant, in the absence of any express agreement to the contrary, the tenant shall be liable for the expenses for the period of his occupation. Liability of tenant.
- (d) When land is occupied by a tenant the owner shall not be entitled to petition. When owner not to petition

Vacant Lots—Enclosure of.

51. For requiring vacant lots to be properly enclosed. Vacant lots.
3-4 Geo. V. c. 43, s. 400, pars. 50-51.

Water Tanks and Towers.

52. For regulating the construction, erection, alteration or repairing of water tanks and water towers whether on buildings or elsewhere, and for prohibiting the construction, erection, altering or repairing of same contrary to such regulations. 6 Geo. V. c. 39, s. 6. Water tanks and towers.

Markets, etc.

401. Subject to the next succeeding section by-laws may be passed by the councils of urban municipalities, Market by-laws.

- 1. For establishing, maintaining and regulating markets. Establishing markets.
- 2. For prohibiting or regulating the sale by retail in the highways or on vacant lots adjacent to them of any meat, vegetables, grain, hay, fruit, beverages, smallwares and other articles, and for regulating traffic in and preventing the blocking up of the highways by vehicles or otherwise. Regulating vending in streets, etc.

- Salé of grain, meat, farm produce, small-ware, etc. 3. For regulating the place and manner of selling and weighing grain, meat, vegetables, fish, hay, straw, and other fodder, wood, lumber, shingles, farm produce, smallwares and all other articles exposed for sale, and prescribing the fees to be paid therefor.
- Criers and vendors of smallwares. 4. For prohibiting criers and vendors of smallwares from practising their calling in the market place, or on the highways, or on vacant lots adjacent to the market place or to a highway.
- Prohibiting forestalling, etc. 5. For prohibiting the forestalling, regrating or monopoly of grain, wood, meat, fish, fruit, roots, vegetables, poultry, dairy products, eggs and all articles for family use, which are usually sold in the market, and for prohibiting or regulating the purchase of such things by hucksters, grocers, butchers, runners or wholesalers, or by persons who directly or indirectly purchase or acquire them for re-sale.
- Hucksters, etc. (a) Farmers and other producers may nevertheless sell such things at stores and shops at any time.
- Proviso. 6. For regulating the measuring or weighing of lime, shingles, laths, cordwood, coal and other fuel.
- Measuring, etc., certain articles. 7. For imposing penalties for light weight or short count or measurement in anything marketed.
- Penalties for light weight, etc. 8. For seizing and forfeiting any articles, except bread, of light weight or short measure.
- Seizing articles of light weight, etc. 9. For regulating vehicles, vessels, and other things in which anything is exposed for sale or marketed and for imposing a reasonable duty thereon, and establishing the mode in which it shall be paid.
- Regulating vehicles used in market vending. 10. For selling, after six hours' notice, butchers' meat distrained for rent of a market stall. 3-4 Geo. V. c. 43, s. 401, pars. 1-10.
- Sale of meat distrained. 11. For purchasing, leasing, erecting, maintaining and operating weighing machines and weigh-houses, for appointing weighmasters and for prescribing their duties.
- Purchasing weighing machines, etc. 12. For imposing, levying and collecting fees for the use of such weighing machines, not being contrary to the limitations prescribed by subsection 8 of section 402.
- Fees.

13. With the approval of the Municipal Board, and within the limitations and restrictions, and under the conditions prescribed by Order of the Board for requiring all persons who shall, after a sale thereof, deliver coal or coke within the municipality, by a vehicle, from any coal yard, storehouse, coal-chute gas house or other place: ^{Weighing of coal and coke.}

(a) To have the weight of such vehicle and of such coal or coke ascertained prior to delivery, by a weighing machine established as provided by paragraph 11;

(b) To furnish the weighmaster in charge of such weighing machine, and to surrender to each purchaser, at the time of delivery, a weigh-ticket, upon which has been printed or written the name and address of the vendor, and the name of the purchaser, and to have such weigh-ticket dated and signed by such weighmaster, and to have him enter thereon the weight of such coal or coke. 8 Geo. V. c. 32, s. 8 (1) pars. 11-13.

13a. Every vendor of coal or coke with respect to which a weigh ticket has been issued under clause b of paragraph 13, shall be bound thereby, and shall not be entitled to demand, collect or recover from the purchaser the price of any greater quantity of coal or coke than that shown on such weigh ticket.

13b. Every such vendor, who demands, collects or receives from a purchaser the price of any greater quantity of coal, or coke than that shown on such weigh ticket shall be guilty of an offence, and shall incur a penalty not exceeding \$20, recoverable under *The Ontario Summary Convictions Act*. 11 Geo. V. c. 63, s. 15.

14. Nothing contained in the next preceding paragraph shall authorize a municipality to require the weighing of coal or coke sold in car lots at shippers' weights. ^{Car lots.}

15. For requiring all persons offering, or exposing cord-wood or firewood for sale upon the market, loaded in or upon any vehicle: ^{Measurement of wood sold on market.}

(a) To have such wood measured by a market inspector or by some other official of the municipality appointed for that purpose, who shall mark such measurement in a conspicuous place upon the load or vehicle, before the wood is offered for sale;

- (b) To procure from such inspector or official a measurement ticket signed and dated by him, upon which he has entered the quantity of cordwood or firewood loaded in or upon such vehicle, and the name and address of the vendor;
- (c) To surrender such measurement ticket to the purchaser at or before the time of delivery;
- (d) To pay such fee for measuring as may be imposed, not exceeding that prescribed by subsection 8 of section 402.

Measure-
ment of
wood sold
off market.

16. For requiring all persons who shall, after a sale thereof, except upon the market, deliver cordwood or firewood within the municipality, by a vehicle, to surrender to the purchaser thereof, when making delivery, a ticket signed by, or on behalf of, such person, upon which shall be legibly written or printed his name and address, the quantity of wood delivered from such vehicle, expressed in terms of a cord of 128 cubic feet, and the price at which the same has been sold.

Kindling,
etc.

17. No by-law shall require kindling wood, mill waste, or mill cuttings to be measured. 8 Geo. V. c. 32, s. 8 (1) pars. 14-17.

No market
fees to be
imposed
on certain
products.

402.—(1) No market fee shall be imposed, levied or collected, in respect of wheat, barley, rye, corn, oats, or any other grain, hay or other seed, wool, lumber, lath, shingles, cordwood or other firewood, dressed hogs, cheese, hay, straw or other fodder, brought to market, or upon the market place, for sale or other disposal.

When fees
may be
charged on
butter, etc.,
brought to
market.

(2) No market fee shall be imposed, levied or collected in respect of butter, eggs, poultry, honey, celery, small fruits or other articles in hand baskets, brought to market, or upon the market place, for sale or other disposal, unless a convenient and fit place affording shelter in summer, and shelter and reasonable protection from the cold in winter, in which to expose them for sale is provided by the corporation.

Fees not to
be charged
on articles
delivered in
pursuance
of prior
contract,

(3) Where the vendor of an article brought within the municipality in pursuance of a prior contract for the sale of it proceeds directly to the place of delivery, without hawking it upon the highways or elsewhere in the municipality, no market fee shall be imposed, levied, or collected in respect of it.

nor on
articles
brought
into muni-
cipality
after 10 a.m.

(4) No market fee shall be imposed, levied or collected in respect of any article brought into the municipality after ten o'clock in the forenoon, unless it is offered or exposed for sale upon the market place. 3-4 Geo. V. c. 43, s. 402, pars. 1-4.

When
articles
need not be
weighed or
measured.

(5) No by-law shall require hay, straw or other fodder to be weighed, where neither the vendor nor the purchaser desires to have it weighed or measured. 3-4 Geo. V. c. 43, s. 402, par. 5; 8 Geo. V. c. 32, s. 8 (2).

Time after
which at-
tendance on
market not
required.

(6) A person who has exposed or offered for sale an article in the market place and has paid the prescribed fee, if any, in respect of it may, after nine o'clock in the forenoon, between the 1st day of April and the 1st day of November, and after ten o'clock in the forenoon, between the 1st day of November and the 1st day of April, sell such article elsewhere than in the market place.

Scale of
market fees.

(7) No market fees may be imposed, levied or collected higher than those contained in the following scale:—

On a motor vehicle or a vehicle drawn by more than one horse or other animal in which articles are brought to the market place.... 10 cents

If the vehicle is drawn by one horse or other animal 5 cents.

Upon a vehicle propelled or drawn by hand or a basket or vessel in which articles are brought to the market place 2 cents.

Upon the person bringing articles to the market place by hand and not in a vehicle, basket or vessel 2 cents.

Upon live stock brought to the market place for sale:—

A horse, mare, or gelding.....10 cents.

A head of horned cattle 5 cents.

A sheep, calf, or swine.....2 cents.

3-4 Geo. V. c. 43, s. 402, pars. 6, 7.

Fees for
weighing
and
measuring.

(8) No fees may be imposed, levied or collected for weighing or measuring greater than those contained in the following scale:—

For weighing a load of hay 25 cents.

For weighing slaughtered meat, or grain or other articles exposed for sale, if weighing less than one hundred pounds 2 cents.

If weighing more than one hundred and less
than one thousand pounds 5 cents.

If weighing more than one thousand pounds 10 cents.

For weighing live animals other than pigs,
sheep or calves—

Per head when only one weighed..... 10 cents.

For each additional animal weighed at the
same time 5 cents.

For weighing sheep, pigs or calves—

One or two 10 cents.

Three, four or five 15 cents.

Six or seven 20 cents.

Eight, nine or ten 25 cents.

For each additional animal above ten 2 cents.

For measuring a load of wood 10 cents.

10-11 Geo. V. c. 58, s. 14.

Subsection 1 not to apply where by-law in force allowing sale without fee except at the market; (9) Subsection 1, shall not apply to a municipality in which there is in force a by-law providing that vendors of articles in respect of which under the provisions of paragraph 3 of section 401, a market fee may be imposed, may, without paying market fees, offer for sale and sell or otherwise dispose of such articles, at any place within the municipality, excepting only at the market place.

but such by-law may impose fees on persons voluntarily using market; and on others selling within 100 yards of market. (10) Subject to subsection 2, the council of a municipality to which subsection 9 applies, may by by-law provide for imposing, levying and collecting market fees from such vendors who voluntarily use the market place for selling such articles or from any person who or whose vehicle remains upon that part of a highway which is within 100 yards of the market place, for the purpose of selling any of such articles other than grain, seeds, dressed hogs or wool upon such highway, but driving through or across such part of a highway shall not authorize the imposition of any market fee; nor shall any market fee be imposed in respect of an article sold to a person carrying on business and having a *bona fide* store, shop or other similar place of business on such part of a highway.

Exception as to sales to persons carrying on business near market. (11) Where a highway is used as a market place or market, or part of a market place or market, no market fees shall be imposed, levied or collected upon articles brought

Fees not to be charged where highway used as market.

to that part of the highway which is so used, but this subsection shall not apply to so much of a highway as adjoins or abuts upon a market square established as a market place.

(12) Subsections 9 to 11 shall not apply to any municipality where no market fees were charged or imposed on the 10th day of March, 1882, but subsections 1 to 8 and 13 and 14 of this section shall apply to such municipality in the event of market fees being thereafter charged or imposed therein. Case of municipality again imposing market fees.

(13) Nothing in the preceding subsections contained shall prevent any municipality wherein no market fees are imposed or charged from regulating the sale and the place of sale of any articles within the municipality to the same extent as it might do before the 10th day of March, 1882; Power to regulate sales when no fees are charged.

(a) Market fees within the meaning of this subsection shall not include fees for weighing or measuring; Proviso.

(b) After nine o'clock in the forenoon, between the 1st day of April and the 1st day of November, and after ten o'clock in the forenoon between the 1st day of November and the 1st day of April, no person shall be compelled to remain on, or resort to, any market place with any articles which he may have for sale, but may, after the expiration of such hour, sell or dispose of such articles elsewhere than in or on said market places. Proviso.

(14) Whenever subsections 1 to 8 or subsections 9 to 11 of this section are in force in any municipality, so much of any Act or law as may be contrary to, and as conflicts with the same, shall not be in force in or apply to such municipality. Inconsistent enactments not to apply.

(15) A corporation may sell or lease its market fees with the right to collect them. 3-4 Geo. V. c. 43, s. 402, pars. 9-15. Right to sell or lease market fees.

403. By-laws may be passed by the councils of counties, cities and towns.

Educational Institutions—Aid to.

1. For making grants in aid of the University of Toronto or of Upper Canada College, or of any other University or College in Ontario, or of any historical, literary, or scientific society. Grants to universities, colleges, historical societies, etc.

- (a) Such grants may be made from time to time, and may be either by one payment, or by an annual payment for a limited number of years, and upon such terms and conditions as may be agreed upon and may include supplying Upper Canada College with water from the waterworks of the City of Toronto, without charge.

Endowing Fellowships.

Endowing fellowships, etc., in universities and colleges. 2. For endowing fellowships, scholarships or exhibitions, and other similar prizes, in the University of Toronto, or in Upper Canada College, or in any other university or college in Ontario, for competition among the pupils of the collegiate institutes and high schools in the municipality.

Aid to art schools. 3. For granting aid to art schools, approved by the Department of Education.

Aid to industrial schools. 4. For granting aid, for the erection, establishment or equipment of an industrial school, to any philanthropic society, within the meaning of *The Industrial Schools Act*, upon the board of which the council is represented.

Rev. Stat. c. 271.

Supporting Pupils at High Schools, Universities and Colleges.

Supporting certain high school pupils at universities, colleges, etc. 5. For making permanent provision for defraying the expenses of the attendance at the University of Toronto or at Upper Canada College, or at any other university or college in Ontario, of such of the pupils of any collegiate institute or high school of the municipality as are unable to incur the expense, but are desirous of, and in the opinion of the head master thereof possess competent attainments for competing for any scholarship, exhibition or other similar prize offered by such University or College.

Similar provision for attendance at high schools.

6. For making similar provision for the attendance at any collegiate institute or high school, for the like purpose, of pupils of public schools of the municipality. 3-4 Geo. V. c. 43, s. 403.

404. By-laws may be passed by the councils of towns, villages and townships.

Education.

Grants to high schools.

1. For making grants in aid of, or to build, preserve, enlarge or improve any collegiate institute or high school in another municipality. 3-4 Geo. V. c. 43, s. 404.

405. By-laws may be passed by the councils of counties and cities.

Horse Thieves.

1. For paying on the conviction of the offender and on the order of the Judge or Police Magistrate before whom the conviction is had a reward of not less than \$20 to any person who pursues and apprehends, or causes to be apprehended, any person horse stealing within the municipality. Reward for apprehension of persons guilty of horse stealing.

(a) The amount payable as the reward shall be in the discretion of the Judge or Police Magistrate, but shall not exceed the amount fixed by the by-law. Proviso.
3-4 Geo. V. c. 43, s. 405.

406. By-laws may be passed by the councils of cities and towns.

(NOTE.—*Par. 1, regulating use of bicycles on highways, repealed by 7 Geo. V. c. 48, s. 5. It is covered by The Highways' Travel Act. Rev. Stat. c. 206.*)

(NOTE.—*Par. 2 repealed by 5 Geo. V. c. 34, s. 27, see now par. 9a of sec. 400.*)

Drunk and Disorderly Person.

3. For providing that the chief constable or any member of the police force in charge of a police station to which a person is brought charged with being drunk without being disorderly may release him without bringing him before a Justice of the Peace or Police Magistrate. Release without trial of persons arrested for drunkenness.
3-4 Geo. V. c. 43, s. 406, par. 3.

(NOTE.—*Par. 4, giving power to establish Fuel yards, repealed by 7 Geo. V. c. 42, s. 12 (1). It is now covered by s. 399, par. 39a.*)

Garbage Collection.

5. For establishing and maintaining a system for the collection, removal and disposal at the expense of the corporation of garbage or of garbage and other refuse or of ashes, garbage and other refuse, and with the approval of the Provincial Board of Health for erecting and maintaining such buildings, machinery and plant as may be deemed necessary for that purpose, or for contracting with some person for the collection, removal and disposal by him of the ashes, garbage and other refuse upon such terms and conditions and subject to such regulations as may be deemed expedient. Removal of ashes, garbage, etc.

- (a) Where the amount required for the erection of such buildings, machinery and plant and for acquiring the requisite land exceeds \$5,000, the by-law shall not be finally passed without the assent of the electors entitled to vote on money by-laws. 3-4 Geo. V. c. 43, s. 406, par. 5; 7 Geo. V. c. 42, s. 14 (1).

Special rate
for cost of.

6. For the collection, removal and disposal by the corporation of garbage or of garbage and other refuse or of ashes, garbage and other refuse throughout the whole municipality or in defined areas of it at the expense of the owners and occupants of the land therein, and for imposing upon such land according to its assessed value a special rate to defray the expense of such collection, removal and disposal.

No land
exempt.

- (a) Subject to clause (c) no land shall be exempt from the special rate, anything in any general or special Act or in any by-law to the contrary notwithstanding.

Recovery
of special
rate.

- (b) The special rate may be collected or recovered in the manner provided by section 500. 3-4 Geo. V. c. 43, s. 406, par. 6 (a, b); 7 Geo. V. c. 42, ss. 14 (2), 15.

Special
rate on
churches.

- (c) In the case of a place of worship the council may by by-law provide that the special rate shall be imposed upon the land according to its assessed value exclusive of the assessed value of the buildings. 7 Geo. V. c. 42, s. 15.

Laundrymen.

Licensing,
etc., of
laundries.

7. For licensing, regulating and governing laundrymen and laundry companies and for inspecting and regulating laundries:

- (a) The by-law shall not apply to or include women carrying on a laundry business in private dwelling houses, and employing female labour only, or to such dwelling houses.
- (b) The by-law may provide that a license shall not be granted, if it is deemed that the location of the laundry is an undesirable one. 3-4 Geo. V. c. 43, s. 406, par. 7.

Lodging-Houses and Lodging-House Keepers.

7a. For licensing, regulating and governing lodging-houses and the keepers of lodging-houses, and for fixing the fee not exceeding \$1 to be charged for the license and for revoking any such license. Regulation of lodging houses and keepers.

- (a) For the purpose of this subsection a "lodging-house" shall mean any house or building or portion thereof in which persons are harboured or received or lodged for hire for a single night or for less than a week at one time, or any part of which is let for any person to sleep in for any time less than a week, but shall not include a "standard hotel" within the meaning of *The Ontario Temperance Act*. 11 Geo. V. c. 63, s. 16.

Lavatories, etc.

8. For constructing and maintaining lavatories, urinals water closets and like conveniences, where deemed requisite, upon the highways or elsewhere, and for supplying them with water, and for defraying the expense thereof and of keeping them in repair and good order. Maintaining public conveniences in cities and towns.

Lifeboat Associations.

9. For granting aid to any organization owning, manning and working lifeboats or other apparatus for life saving purposes. 3-4 Geo. V. c. 43, s. 406, pars. 8-9. Aid to life-boat association.

Massagists, Massage Parlours.

9a. For licensing, regulating and governing massagists and for inspecting and regulating massage parlours, and such by-laws may provide for the enforcement thereof through the Medical Health Department or Police Department of the city or town. 6 Geo. V. c. 39, s. 7. Licensing and regulating massagists, etc.

Residential Streets and Building Line.

10. For declaring any highway or part of a highway to be a residential street, and for prescribing the distance from the line of the street in front of it at which no building on a residential street may be erected or placed. Setting apart residential streets. Fixing building line.

- (a) It shall not be necessary that the distance shall be the same on all parts of the same street.

- (b) The by-law shall not be passed except by a vote of two-thirds of all the members of the council.

Sewerage System—Management of by Commissioners.

Com-
mis-
sioners to
manage
sewerage
system.
Rev. Stat.
c. 204.

11. Where the sewerage system includes the disposal or purification of sewage upon a sewage farm by filtration or other artificial means, for placing the management of it under a commission established under *The Public Utilities Act*.

- (a) The by-law shall not be passed without the assent of the municipal electors.

Superannuation and Benefit Funds.

Super-
annuation
and benefit
funds for
fire and
police force.

12. For granting aid for the establishment and maintenance of superannuation and benefit funds for the members of the police force and of the fire brigade, and of other officers and employees of the corporation, and of their wives and families. 3-4 Geo. V. c. 43, s. 406, pars. 10-12.

Surveyors and Engineers.

Corporation
surveyor
and
engineers.

13. For appointing an Ontario land surveyor as surveyor for the corporation and for appointing one or more engineers. 3-4 Geo. V, c. 43, s. 406, par. 13, *part*.

Power of
engineer.

- (a) An engineer so appointed and his assistants shall in the performance of their duties possess all the powers, rights and privileges which a surveyor possesses under the provisions of section 6 of *The Surveys Act*. 4 Geo. V, c. 33, s. 12.

Rev. Stat.
c. 166.

406a. By-laws may be passed by the councils of cities, 7 Geo. V. c. 42, s. 16.

Licensing
users of
wheeled
vehicles.

1. (a) Requiring all residents in the municipality owning and using any wheeled vehicle to obtain a license therefor before using the same upon any highway of the city.
- (b) Regulating the issuing of such licenses and the collection of fees therefor.
- (c) Fixing an annual fee not exceeding \$1.00 for such licenses, which shall be approved of by the Ontario Railway and Municipal Board.
- (d) Fixing a scale of fees for different vehicles.
- (e) Imposing penalties not exceeding \$5.00 exclusive of costs upon all persons who contravene any such by-law.
- (f) Providing that such penalties may be recoverable in the manner provided by this Act.

2. For allowing any person owning or occupying any building or other erection which by inadvertence has been wholly or partially erected upon any highway to maintain and use such erection thereon and for fixing such annual fee or charge as the council may deem reasonable for such owner or occupant to pay for such privilege.

- (a) Such fee or charge shall form a charge upon the land used in connection therewith and shall be payable and payment of it may be enforced in like manner as taxes are payable and the payment of them may be enforced, but nothing herein contained shall affect or limit the liability of the municipality for all damages sustained by any person by reason of any such erection upon any highway.

3. (a) For permitting the use of a portion of any highway or boulevard by the owner or occupant of land adjoining such highway or boulevard during building operations upon such land for the storage of materials for such building or for the erection of hoardings.

- (b) To fix a fee or charge for such use according to the area occupied and the length of time of such occupation and to collect the same.

- (c) To regulate the placing of such materials or hoardings, the restoration of such highway or boulevard to its original condition, the payment of such fee or charge, and the giving of permits for such privilege.

4. For licensing and regulating the owners of public garages, and for fixing the fees for such licenses, and for imposing penalties for breaches of such by-law and for the collection thereof. 4 Geo. V. c. 33, s. 13.

- (a) For the purpose of this paragraph, a public garage shall include a building or place where motor cars are hired or kept or used for hire or where such cars or gasoline or oils are stored or kept for sale, and a building used as an automobile repair shop. 9 Geo. V. c. 46, s. 15.

5. For licensing, regulating and governing bailiffs and for providing that each applicant for a license shall deposit with the issuer of licenses, with his application, such security or guarantee bond for such amount as may be required by the council of the municipality.

- (a) For the purpose of this paragraph a bailiff shall mean "any person acting as agent for any other

person under a warrant authorizing the seizure and sale of chattels, but shall not include a bailiff of any division court nor any sheriff or his agent, nor any officer of any court of record." 8 Geo. V. c. 32, s. 9.

407. By-laws may be passed by the councils of towns and villages.

Fire Engines, etc.

By-laws for purchase of fire engines and appliances.

1. For purchasing fire engines, and for purchasing and installing apparatus or appliances and appurtenances for fire protection at a cost not exceeding \$5,000, and for the issue of debentures therefor, payable in equal annual instalments of principal and interest during a period not exceeding ten years.

(a) It shall not be necessary to obtain the assent of the electors to the by-law if it is passed by a two-thirds vote of all the members of the council. 3-4 Geo. V, c. 43, s. 407, par. 1; 5 Geo. V, c. 34, s. 28.

Vehicles Used for Hire, etc.—Livery and Boarding Stables.

Licensing, etc., teamsters, etc.

2. For licensing, regulating and governing teamsters, carters and dray men, drivers of cabs and other vehicles for hire, and regulating the charges for the conveyance of goods or for other services by them.

Licensing livery stables, cabs, etc.

3. For licensing, regulating and governing the keepers of livery stables, and of horses and cabs, carriages, omnibuses and other vehicles used or kept for hire; for regulating the fares to be charged for the conveyance of goods or passengers, and for enforcing payment thereof.

Prohibited areas.

4. For defining districts within which a livery or boarding stable shall not be established. 3-4 Geo. V, c. 43, s. 407, pars. 2-4.

408. By-laws may be passed by the councils of counties.

Booms—Protection and Regulation of.

Protecting booms.

1. For protecting and regulating booms on any stream or river for the safe keeping of timber, saw-logs and staves.

Fences.

Fences.

2. For the exercise in respect of fences along highways under the jurisdiction of the council, of the powers conferred upon the councils of local municipalities by paragraph 29 of section 399 and by *The Snow Fences Act*.

Rev. Stat. c. 211.

Guaranteeing Debentures.

3. For guaranteeing debentures of any local municipality in the county. Guaranteeing debentures.

Poles and Wires.

4. Subject to *The Municipal Franchises Act* for permitting and regulating the erection and maintenance of electric light, power, telegraph and telephone poles, towers and wires on, and the laying of pipes or conduits for the conveyance of water, gas or sewage under the highways, under the jurisdiction of the council. Rev. Stat. c. 197.
Regulating erection of poles, towers, wires, etc., on county roads.

Publicity Purposes.

5. For expending for the purposes mentioned in section 428 and for diffusing information respecting the advantages of the county as an agricultural centre a sum not exceeding in any year \$3,000. Annual expenditure for diffusing information.

Traffic—Regulation of; Licensing Livery Stables, etc.

6. If there are gravel or macadamized highways under the jurisdiction of the council, and under its immediate control, which are being kept up and repaired by municipal taxation, and upon which no toll is collected; Regulation of traffic on certain county roads.

- (a) For licensing, regulating and governing the keepers of livery stables, and of horses, cabs, carriages, omnibuses, and other vehicles used or kept for hire, and teamsters; Licensing livery stables.
- (b) For regulating the fares to be charged for the conveyance of goods or passengers; Rates of fare.
- (c) For regulating the traffic on such highways and the width of the tires on the wheels of vehicles used for the conveyance of articles of burden, goods, wares, or merchandise on such highways; and Tires
- (d) For regulating the use of lock shoes on vehicles used on such highways. 3-4 Geo. V, c. 43, s. 408. Lock shoes.

Seeds—Refuse from Cleaning of.

7. For compelling the destruction or regulating the disposal of the refuse obtained in the process of cleaning grass or clover seed. 7 Geo. V. c. 42, s. 17. Refuse from grass or clover seed.

Seeds—Purchase and Donation of.

8. For purchasing supplies of any or all kinds of vegetables, seeds and seed roots and tubers and donating them to Purchase and donation of seeds.

residents of the county on such terms and conditions as may be fixed by the by-law for the purpose of promoting and aiding the production of crops.

- (a) This paragraph shall be deemed to have been in force on, from and after the 12th day of April, 1917. 9 Geo. V, c. 46, s. 16.

409. By-laws may be passed by the councils of cities.

Commissioner of Industries.

Commis-
sioner of
Industries.

1. For the establishment and maintenance of a department of industries and for appointing a Commissioner of Industries to bring to the notice of manufacturers and others the advantages of the city as a location for industrial enterprises, summer resorts, residential, educational and other purposes.

Location of Stables, Etc.

Location of
livery
stables, etc.

2. For regulating and controlling the location, erection and use of buildings as livery, boarding or sales stables, and stables in which horses are kept for hire or kept for use with vehicles in conveying passengers, or for express purposes, and stables for horses for delivery purposes, laundries, butcher shops, stores, factories, blacksmith shops, forges, dog kennels, hospitals or infirmaries for horses, dogs or other animals and for prohibiting the erection or use of buildings for all or any or either of such purposes within any defined area or areas or on land abutting on any defined highway or part of a highway;

- (a) The by-law shall not be passed except by a vote of two-thirds of all the members of the council;

- (b) This paragraph shall not apply to a building which was on the 26th day of April 1904, erected or used for any of such purposes, so long as it is used as it was used on that day. 3-4 Geo. V, c. 43, s. 409, pars. 1, 2.

Regulation,
etc., of
plumber
shops, etc.

- 2a. Paragraph 2 of this section shall also apply to plumber shops, machine shops, tinsmith shops, moving picture or other theatres and buildings used for the storage of builder's plant; but this paragraph shall not apply to a building which was on the 1st day of May, 1914, erected or used for any of such purposes so long as it is used as it was used on that day. 4 Geo. V, c. 33, s. 14.

2b. Paragraph 2 of this section shall also apply to private hospitals, public dance halls and undertakers' establishments, and for the purpose of this paragraph, any hall, room, or building in which dancing is carried on for which a fee is charged or to which any admission fee is demanded or paid, shall be deemed a public dance hall, but this paragraph shall not apply to a building which was on the 1st day of May, 1916, erected or used for any of such purposes nor to any building the plans for which have been approved of by the city architect prior to the 1st day of May, 1916. 6 Geo. V, c. 39, s. 8.

Regulating location of private hospitals, dance halls, and undertakers' establishments.

2c. The passing of a by-law under this section shall not prevent the extension or enlargement of any building used for any of the purposes mentioned in this section at the time of the passing of the by-law.

Not to prevent extension of building.

2d. For prohibiting the sale of goods, wares and merchandise on any private lands within any defined area or areas, or on lands abutting on any defined highways or part of a highway, to which any by-law passed under paragraphs 2, 2a, or 2b of this section applies. 7 Geo. V, c. 42, s. 18.

Prohibiting sale of goods.

2e. Paragraph 2 of this section shall also apply to warehouses and gasoline and oil filling stations, but this paragraph shall not apply to a building or station which was on the 1st day of April, 1918, erected or used for any of such purposes, so long as it is used as it was used on that day. 8 Geo. V, c. 32, s. 10.

Location of warehouses, gasoline stations, etc.

2f. Paragraph 2 of this section shall also apply to tents, awnings, or other similar coverings for business purposes and buildings for the housing of motor trucks or apparatus used in any truck cartage business, but this paragraph shall not apply to any such tent, awning or building which was on the 1st day of May, 1919, erected or used for any such purpose so long as it is used as it was used on that day. 9 Geo. V. c. 46, s. 17. 10-11 Geo. V. c. 58, s. 15.

Regulation of location of awnings, tents, etc.

Sidelights on Vehicles.

3. For requiring all vehicles using the public streets after dusk and before dawn to carry lighted side lights plainly visible from in front of and from behind such vehicles.

Vehicles to carry side lights at night.

Tussock Moths.

4. For requiring persons to destroy all tussock moths and the cocoons thereof on trees or elsewhere upon the premises owned or occupied by them. 3-4 Geo. V, c. 43, s. 409, pars. 3, 4.

Destruction of tussock moths.

410. By-laws may be passed by the councils of cities having a population of not less than 100,000.

Apartment Houses, Tenement Houses and Garages.

Location of
apartment
houses and
garages.

1. For prohibiting or for regulating and controlling the location or erection within any defined area or areas or on land abutting on defined highways or parts of highways of apartment or tenement houses and of garages to be used for hire or gain.

- (a) For the purposes of this paragraph an apartment or tenement house shall mean a building proposed to be erected or altered for the purpose of providing three or more separate suites or sets of rooms for separate occupation by one or more persons. 3-4 Geo. V, c. 43, s. 410, par. 1 (a).

- (b) To remove doubts it is declared that paragraph 1 applies to garages whether motor vehicles are kept therein for hire or gain or not, but does not apply to a garage where space for not more than two motor vehicles is rented or to a garage which is for the sole and exclusive use of the owner or occupant of the land. 8 Geo. V, c. 32, s. 11.

Building Restrictions—Deviation from.

Deviation
from by-
law regu-
lating
erection of
buildings.

2. For authorizing the city architect, or other officer, appointed for that purpose to permit in special cases, which in his judgment warrant it, such deviation from the by-laws regulating the erection of buildings as he may deem proper.

Speedways.

Setting
apart
streets for
fast driving.

3. For setting apart one or more highways on which horses may be ridden or driven more rapidly than is permitted upon other highways, and for regulating the use for such purpose of any such highway.

- (a) If a majority of the property owners on any such street petition against such by-law it shall be repealed.

University of Toronto.

4. For granting aid to the University of Toronto.

Unslaughtered Cattle.

Seizure of
cattle, etc.,
unfit for
food.

5. For authorizing the seizing, in order to prevent their use as food, of unslaughtered cattle, sheep, calves and hogs which have died within the municipality, and for disposing of the carcasses so as not to endanger the public health, and

so as to secure to the owner such value as remains over and above the expenses incurred in disposing of them. 3-4 Geo. V, c. 43, s. 410, pars. 2, 5.

6. For the corporation becoming a member of the National Waterways Association of Canada and paying the fees for such membership and for making contributions towards the expenses of such association and paying the expenses of delegates to any meeting of it or upon its business. 11 Geo. V. c. 63, s. 17. Membership in National Waterways Association.

410a. By-laws may be passed by the councils of cities and towns having a population of not less than 5,000 for the purposes set out in paragraph 1 of section 410 as amended by section 11 of *The Municipal Amendment Act, 1918*. 9 Geo. V, c. 46, s. 18. Location of apartment houses and garages.

410a. By-laws may be passed by the councils of townships bordering on a city having a population of not less than 100,000.

1. For prescribing the distance from the line of street in front of it at which no building shall be erected or placed— Building line.

(a) The by-law shall apply only to streets which are less than 66 feet in width, and it shall not be necessary that the distance shall be the same on all parts of the same street;

2. For requiring that in connection with all buildings hereafter erected and used solely as residences, there shall be a passage-way at one side thereof of at least two feet (2') in width from front to three feet (3') in rear of such building; Passage-ways.

3. For exercising the powers conferred on cities by paragraph 4 of section 406a, as enacted by 4 Geo. V, c. 33, s. 13, with reference to public garages and the powers conferred on cities having a population of not less than 100,000 by paragraph 1 of section 410 with reference to garages to be used for hire or gain; Prohibiting licensing, etc., of garages.

4. For licensing, regulating and governing teamsters, carters, draymen, drivers and owners of cabs, busses and other vehicles for hire and for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers within the township; Licensing, regulating teamsters, carters, draymen, etc.

5. For requiring the owner, lessee, tenant, agent, manager or occupant of any premises in, or of a steam boiler in connection with which a fire is burning and every person Emission of smoke.

who operates, uses or causes or permits to be used any furnace or fire, to prevent the emission to the atmosphere from such fire of opaque or dense smoke for a period of more than six minutes in any one hour, or at other point than the opening to the atmosphere of the flue, stack or chimney;

(a) This paragraph shall not apply to a furnace or fire used in connection with the reduction, refining or smelting of ores or minerals, or the manufacture of cement or to dwelling houses, except apartment houses;

(b) No person shall incur a penalty for an infraction of the by-law until 90 days after notice from the corporation of the existence of such by-law and such notice may be given by publication of the by-law in *The Ontario Gazette* and in a daily newspaper published in the city on which the township borders, for four successive weeks. 10-11 Geo. V, c. 58, s. 16.

411. By-laws may be passed by the councils of townships.

Fires—Prevention Of.

Prevention
of fires.

1. Within defined areas, where the number of the inhabitants or the proximity of buildings in any part of the township renders it expedient to do so, for exercising the powers conferred on the councils of urban municipalities by paragraphs 16 to 35 of section 400. 3-4 Geo. V, c. 43, s. 411, par. 1.

Garbage, Ashes, etc.—Removal of.

Removal
of ashes,
garbage,
etc.

1a. For exercising the powers conferred on cities and towns by paragraph 6 of section 406, with reference to the collection, removal and disposal by the corporation of ashes, garbage and other refuse. 7 Geo. V, c. 42, s. 19.

Portable Steam Engines.

Portable
steam
engines.

2. For prescribing the distance from a highway within which unenclosed portable steam engines may not be used for running a saw-mill or a shingle mill.

Sleighing—Keeping Open Highways During Season of.

Keeping
roads open
in winter.

3. For providing for keeping open the highways during the season of sleighing in each year; and for the application of so much of the commutation of the Statute Labour Fund, as may be necessary for that purpose.

4. For requiring the overseers of highways or the pathmasters to make and keep open the highways during the season of sleighing. Requiring overseers of highways to keep open highways.

(a) Such overseers and pathmasters may require the persons liable to perform statute labour to assist in keeping open such highways, and shall give to any person so employed a certificate of his having performed statute labour and of the number of days' work done, for which he shall be allowed on his next season's statute labour. Powers.

Streams, Creeks and Watercourses—Prohibiting Obstruction of.

5. For prohibiting the obstruction of streams, creeks and watercourses, by trees, brushwood, timber or other materials, and for requiring the clearing away and removing of the obstructions by the person causing the same. Prohibiting obstruction of streams, etc.

Weighing Machines.

6. For erecting and maintaining weighing machines within the municipality or within an adjacent village, and charging fees for the use thereof, not being contrary to the limitations prescribed by subsection 8 of section 402. Erecting and maintaining weighing machines.

Wet Lands.

7. For purchasing any wet land in the township, the price of which, in case of Crown lands, shall be fixed by the Lieutenant-Governor in Council, and for draining such land. Purchase of wet lands from Government, etc.
3-4 Geo. V, c. 43, s. 411, pars. 1-7.

Naming Streets and Numbering Houses.

8. In the case of townships bordering on cities having a population of not less than 50,000 for naming and changing the names of and surveying streets and for numbering houses and lots under and in conformity with paragraphs 38 and 39 of section 400. 3-4 Geo. V, c. 43, s. 411, par. 8; 4 Geo. V. c. 33, s. 15. Naming streets, etc.

411a. By-laws may be passed by the councils of villages.

1. For exercising the powers conferred on cities and towns by paragraph 10 of section 406 with reference to residential streets and building line. 5 Geo. V, c. 34, s. 29. Residential streets and building line.

2. For exercising the powers conferred on cities and towns by paragraphs 5 and 6 of section 406. 6 Geo. V, c. 39, s. 9. Removal of ashes and garbage.

412. By-laws may be passed by the councils of counties, separated towns and towns in unorganized territory and of cities having a population of less than 100,000 and by the Board of Commissioners of Police of cities having a population of not less than 100,000.

Auctioneers.

Licensing,
etc.,
auctioneers.

1. For licensing, regulating and governing auctioneers and other persons selling or putting up for sale goods, wares, merchandise or effects by public auction, and for prohibiting the granting of a license to an applicant who is not of good character, or whose premises are not suitable for the business of auctioneer or are upon a residential or other highway in which it is deemed not desirable that the business should be carried on; for ascertaining by such means as the by-law may provide whether an applicant is not of good character or his premises are not suitable for the business; for determining the time the license shall be in force;

(a) No such by-law shall apply to a sheriff or bailiff offering for sale goods or chattels seized under an execution or distrained for rent. 3-4 Geo. V. c. 43, s. 412, par. 1.

(NOTE.—*Par. 2 repealed by 5 Geo. V. c. 34, s. 30. See new sec. 412a*)

412a. By-laws may be passed by the councils of counties and towns, and of cities having a population of less than 100,000 and by Boards of Commissioners of Police of cities having a population of not less than 100,000.

Bill Posters.

Licensing,
regulating
and govern-
ing bill
posters,
sign paint-
ers, etc.

1. For licensing, regulating and governing bill posters, advertising sign painters, bulletin board painters, sign posters and bill distributors, and for prohibiting the posting up or distributing of posters, pictures or hand bills which are indecent or tend to corrupt morals.

(a) A by-law of a county passed under this paragraph shall not have force in a town which has passed a by-law for a similar purpose. 5 Geo. V. c. 34, s. 31.

413. By-laws may be passed by the councils of counties, towns and by Boards of Commissioners of Police of cities.

Junk and Second-hand Shops, etc.

Licensing
and regula-
ting junk
shops, etc.

1. For licensing, regulating and governing junk shops, junk yards, and second-hand shops and dealers in second-

hand goods, and for revoking and cancelling the license of any person convicted of a second offence against the by-law or of an offence against sections 399 to 401 of *The Criminal Code*. R.S.C. c. 146.

- (a) "Dealers in second-hand goods" shall include persons who go from house to house or along highways for the purpose of collecting, purchasing or obtaining second-hand goods. 3-4 Geo. V. c. 43, s. 413, par. 1 (a); 9 Geo. V. c. 46, s. 19 (1) (2).
- (a1) The by-law may apply to and require every person using a vehicle for any of the purposes mentioned in paragraph 1, either on his account or as the agent or servant of another person, to take out a license;
- (a2) The power of licensing shall not apply to persons engaged in any of the objects mentioned in paragraph 1 for patriotic or charitable purposes. 9 Geo. V. c. 46, s. 19 (3).
- (b) "Second-hand goods" shall include bottles, bicycles, waste paper, rags, bones, old iron or other scrap or junk.
- (c) The fee to be paid for the license shall not exceed \$20 for one year. 3-4 Geo. V. c. 43, s. 413. (b, c).
- (d) A by-law of a county passed under this paragraph shall not have force in a town after the council of the town has passed a by-law for a similar purpose. 9 Geo. V. c. 46, s. 19 (1). Licensing junk and second-hand shops.
- (e) Any license issued under paragraph 1 of this section may be issued to authorize the licensee to deal in one class only of second-hand goods or in more than one class as may be specified in the license and such licensee shall not be entitled to deal in any class of second-hand goods not covered by his license. 10-11 Geo. V. c. 58, s. 17. Scope of license.

414. By-laws may be passed by the councils of counties, separated towns and towns in unorganized territory.

Public Fairs.

Public fairs
for sale of
cattle, etc.

1. For authorizing, on petition of at least fifty electors, the holding at one or more of the most public and convenient places in the municipality public fairs restricted to the sale, barter and exchange of cattle, horses, sheep, pigs and articles of agricultural production or requirement.

Rules for
governing
same.

(a) The by-law shall prescribe rules and regulations for the government of the fairs, and appoint a person to see that they are carried out, and shall also fix the fees to be paid to him by persons attending the fair, and public notice of the passing of the by-law shall be forthwith given by the council.

Notice of
passing of
by-law.

Surgeons.

Appointing
gaol sur-
geons, etc.

2. For appointing one or more surgeons of the gaol and other institutions under the control of the corporation. 3-4 Geo. V. c. 43, s. 414.

415. By-laws may be passed by the councils of counties, cities, separated towns and towns in unorganized territory.

Tanneries.

Defining
areas in
which cer-
tain trades
may not be
carried on.

1. For defining areas within which tanneries, rag, bone, or junk shops, or industries of a noxious or unhealthy character; may not be carried on.

(a) This paragraph shall not apply to a tannery erected before the 7th day of April, 1890. 3-4 Geo. V. c. 43, s. 415.

416. By-laws may be passed by the councils of counties and towns, and of cities having a population of less than 100,000, and by the Board of Commissioners of Police of cities having a population of not less than 100,000.

Hawkers and Pedlars.

Licensing,
etc., hawk-
ers, petty
chapmen.

1. For licensing, regulating and governing hawkers, pedlars and petty chapmen, and other persons carrying on petty trades, or who go from place to place or to other men's houses, on foot, or with any animal, vehicle, boat, vessel, or other craft, bearing or drawing goods, wares, or merchandise for sale, or otherwise carrying goods, wares or merchandise for sale or who go from place to place or to other men's houses to take orders for coal oil or other oil which is to be

delivered afterwards from a tank car moved on a railway line or who go from place to place or to a particular place to make sales or deliveries of coal oil or other oil from such tank car.

- (a) No such license shall be required for hawking, ^{When} peddling or selling goods, wares or merchandise ^{license not} to a retail dealer, or for hawking, peddling or ^{required.} selling goods, wares or merchandise, the growth, produce or manufacture of Ontario, not being liquors within the meaning of *The Liquor License Act*, if the same are hawked or peddled by ^{Rev. Stat.} the manufacturer or producer of them, or by his ^{c. 215.} *bona fide* servants or employees having written authority to do so;
- (b) Such servant or employee shall exhibit his authority ^{Production} when required so to do by any municipal or ^{of authority} peace officer; ^{of servant.}
- (c) In a prosecution for a breach of the by-law the ^{Onus of} onus of proving that he does not for either of ^{proof that} the reasons mentioned in clause (a) require to ^{no license} be licensed shall be upon the person charged. ^{required}
- (d) Nothing in this paragraph shall affect the powers ^{Certain} to pass by-laws, under sections 401 and 402, ^{powers not} paragraph 1 of section 419, and paragraphs 6 ^{affected.} and 7 of section 420.
- (e) "Hawkers" in this paragraph shall include agents ^{"Hawkers,"} for persons not resident within the county, who ^{meaning of.} sell or offer for sale tea, coffee, spices, baking powder, dry goods, watches, plated ware, silver ware, furniture, carpets, upholstery, millinery, coal oil, tinware, carpet-sweepers and electrical appliances, or jewellery, spectacles or eyeglasses, or who carry and expose samples or patterns of any such article, which is to be afterwards delivered within the county to a person not being a wholesale or retail dealer in such article.
- (f) Where the council of a town not separated from a ^{Force of} county has passed a by-law under this paragraph ^{by-law of} a by-law of the county shall not be in force in ^{town not} the town while the by-law of the town remains ^{separated.} in force,

Fees. (g) The fee to be paid for the license under by-laws passed under this paragraph may be lower in the case of persons who have resided continuously within the municipality for which the license is sought for at least one year prior to the application therefor than in the case of persons who have not so continuously resided, but in cities having a population of not less than 100,000, the fee shall not be more than \$50 for a motor vehicle or a two-horse waggon, \$30 for a one-horse waggon, \$15 for a push-cart, \$10 for one carrying a pack, and \$1 for one carrying a basket.

License to
be produced
on demand.

(h) The licensee shall at all times whilst carrying on his business have his license with him and shall upon demand exhibit it to any municipal or peace officer, and if he fails to do so shall, unless the same is accounted for satisfactorily, incur a penalty of not less than \$1 or more than \$5.

Penalty.

(i) If a peace officer demands the production of a license by any person to whom the by-law applies and the demand is not complied with, it shall be the duty of the peace officer, and he shall have power to arrest such person without a warrant and to take him before the nearest Justice of the Peace, there to be dealt with according to law. 3-4 Geo. V. c. 43, s. 416, par. 1; 5 Geo. V. c. 34, ss. 32, 33.

Supplying
licenses.

2. For providing the treasurer or clerk of the county, or the clerk of any municipality within the county with licenses under by-laws passed under paragraph 1 of section 412 and paragraph 1 of this section, to be issued under such regulations as may be prescribed to persons applying for them.

Prohibiting
sale of
fruit, etc.,
on public
streets, etc.

3. For prohibiting the sale of fruit, candy, peanuts, ice cream or ice cream cones from a basket, or a waggon, cart or other vehicle upon any highway or part of it, or in any public park or other public place.

Proviso.

(a) The by-law shall not apply to a farmer, market gardener or other person selling or delivering goods at any place of business or residence upon such highway or part thereof. 3-4 Geo. V. c. 43, s. 416, pars. 2, 3.

(Note.—Par. 4 repealed by 11 Geo. V. c. 63, s. 18 (2). Covered by s. 416 b.)

416a. A by-law passed by a council of a county under the provisions of section 416 shall whether the same is mentioned or not recover and include the boundary line or highway between such county and an adjoining county, and a sale made on said boundary line or highway to a resident of a county in which such by-law is in force shall be and constitute a breach of such by-law in the same manner and with like consequence and effect as if made wholly within the said county. 4 Geo. V. c. 33, s. 17.

416b. By-laws may be passed by the councils of counties, cities and towns:

1. For licensing, regulating and governing the business of dry cleaners, dry dyers, cleaners and pressers and persons engaged in those and similar businesses in which gasoline, carbon bisulphide, naphtha, benzine, benzol or other light petroleum or coal tar products or volatile or inflammable liquids are used. Licensing, etc., dry cleaners, pressers, etc.
2. For imposing and collecting a license fee from persons engaging in any such business. License fee.
3. For delegating to the architect or some other person the duty of issuing such licenses and signing the same on behalf of the municipality. Issue of licenses.
4. For authorizing the architect or some other person named to allow such variation from the standard requirements in the case of existing businesses as he may approve of where such variation will not, in his opinion, reasonably prejudice the safety of the public. 11 Geo. V. c. 63, s. 18 (1). Authority of architect, etc. to vary requirements in certain cases.

417. By-laws may be passed by the councils of counties, towns, villages and townships and of cities having a population of less than 100,000, and by the Boards of Commissioners of Police of cities having a population of not less than 100,000.

Intelligence Offices.

1. For licensing and governing suitable persons to keep intelligence offices; for registering the names and residences of servants, workmen, clerks and other persons seeking employment; for procuring employment for them and giving information to them and to persons in want of them, and for fixing the fees to be charged by the keepers of such offices, and the duration of the license. Licensing intelligence offices.

2. For regulating such intelligence offices; Regulation.

3. For revoking any such license. Revocation of license.

(a) The license fee shall not exceed \$10 for one year. Fee.

Victualling Houses, etc.

Limiting
number of
and licens-
ing, victual-
ling houses,
etc.
Rev. Stat.
c. 215.

4. For limiting the number of and licensing and regulating victualling houses, ordinaries, and houses where fruit, fish, oysters, clams or victuals are sold to be eaten therein, and places not being a tavern or shop licensed under *The Liquor License Act* for the lodging, reception, refreshment or entertainment of the public.

Revocation
of license.

5. For revoking the license.

Fees.

(a) The sum to be paid for the license shall not exceed \$20. 3-4 Geo. V. c. 43, s. 417.

Licensing,
regulating,
etc., sale of
cakes, can-
dies, etc.

6. For licensing, regulating and controlling all places where cakes, pastry and candies are made for sale or are sold.

(a) The license fee shall not exceed the sum of \$1 for one year. 8 Geo. V. c. 32, s. 12.

418. By-laws may be passed by the councils of towns and cities having a population of less than 100,000, and by Boards of Commissioners of Police of cities having a population of not less than 100,000.

Electrical Workers.

Electrical
workers.

1. For examining, licensing and regulating electrical workers. 3-4 Geo. V. c. 43, s. 418.

419. By-laws may be passed by the councils of towns and villages and of cities having a population of less than 100,000 and by the Boards of Commissioners of Police of cities having a population of not less than 100,000.

Sale of Meat.

Regulating
sale of meat.

1. For regulating the storage, handling and sale of fresh meats and prescribing the equipment and appliances necessary to conduct such business under sanitary conditions, and for granting annually or oftener licenses for the sale of fresh meat in quantities less than by the quarter carcass, and fixing and regulating the places where such sale shall be allowed, and for prohibiting the sale of fresh meat in less quantities than the quarter carcass unless by a licensed person and in a place authorized by the council.

(a) The power conferred by paragraph 1 shall not be affected or restricted by anything in section 402.

(b) Nothing in paragraph 1 shall affect the powers conferred by paragraphs 3 and 4 of section 401.

(c) The fee to be paid for the license shall not exceed \$50 in a city and \$25 in a town or village. 8 Geo. V. c. 32, s. 13.

Tobacconists.

2. For licensing, regulating and governing keepers of stores and shops other than taverns and shops licensed under *The Liquor License Act* where tobacco, cigars or cigarettes are sold by retail, and for revoking any license granted. 4 Geo. V. c. 43, s. 419. Licensing and regulating keepers of tobacco stores. Rev. Stat. c. 215.

420. By-laws may be passed by the councils of towns, townships, villages and cities having a population of less than 100,000 and by Boards of Commissioners of Police in cities having a population of not less than 100,000.

Bagatelle and Billiard Tables.

1. For licensing, regulating and governing persons who for hire or gain, and proprietary clubs which directly or indirectly keep, or have in their possession, or on their premises any billiard, pool or bagatelle table, or keep or have any such table, whether used or not, in a house or place of public entertainment or resort; for limiting the number of licenses to be granted and the number of such tables which shall be licensed and for revoking any license granted. 3-4 Geo. V, c. 43, s. 420, par. 1, *part*. Billiard, pool and bagatelle tables.

(a) "Proprietary club" shall mean and include all clubs other than those in which the use of any such table is only incidental to the main objects of the club.

(b) The License Commissioners having jurisdiction in the license district may when authorized by order of the Lieutenant-Governor in Council determine whether any club in such district is within the provisions of clause (a) and any certificate given by the Commissioners in respect thereto shall be final and conclusive. 5 Geo. V, c. 34, s. 35.

Dogs.

2. For prohibiting or regulating the running at large of dogs; for seizing and impounding and for killing, whether before or after impounding, dogs running at large contrary Prohibiting running at large of dogs.

to the by-law; and for selling dogs so impounded at such time and in such manner as may be provided by the by-law.

- (a) For the purposes of this paragraph, a dog shall be deemed to be running at large when found in a highway or other public place and not under the control of any person. 3-4 Geo. V, c. 43, s. 420, par. 2.

Exhibitions, Places of Amusement, etc.

Exhibitions,
bowling
alleys, etc.

3. For regulating and licensing, subject to the provisions of *The Theatres and Cinematographs Act*, exhibitions held for hire or gain, theatres, music halls, bowling alleys, moving picture shows and other places of amusement, and for prohibiting the location of them, or a particular class of them, on land abutting on any highway or part of a highway to be named in the by-law and for revoking any license granted. 3-4 Geo. V, c. 43, s. 420, par. 3; 6 Geo. V, c. 24, s. 27 (2).

Plumbers.

4. For licensing, regulating and governing plumbers, master plumbers and journeymen plumbers;

"Master
plumber."

- (a) For the purpose of this paragraph "master plumber" shall mean a person who is skilled in the planning, superintending and installation of plumbing, is familiar with the laws, rules and regulations governing the same, has a regular place of business in the municipality and who himself or by journeymen plumbers in his employ performs plumbing work.

Journeyman
plumber.

- (b) A "journeyman plumber" shall mean a person other than a master plumber who has been in the employ of a master plumber for not less than one year and desires to follow plumbing as his calling. 7 Geo. V, c. 42, s. 20.

Shows.

Exhibitions
of wax
work,
shows, etc.

5. For prohibiting or regulating and licensing exhibitions of wax work, menageries, circus-riding and other like shows usually exhibited by showmen, and for regulating and licensing roller skating rinks and other places of like amusement, and merry-go-rounds, switchback railways, carousals, and other like contrivances; and for imposing penalties not exceeding the amount of the license fee on offenders against the by-law; and for levying the same by distress and sale of

the goods and chattels of the showman or proprietor, or belonging to or used in such exhibition or show whether owned or not owned by such showman or proprietor.

- (a) A license shall not be granted for any such exhibition or show to be held on the days of the exhibition of any district or township agricultural society, within 300 yards from the grounds of the society or for any such exhibition or show in or in connection with which gambling is carried on or goods, wares or merchandise are sold or trafficked in. Licenses not to be granted for certain times and places.

- (b) The fee to be paid for the license shall not exceed \$500. Fees.

Transient Traders.

6. For licensing, regulating and governing transient traders and other persons whose names have not been entered on the assessment roll in respect of income or business assessment for the then current year; and who offer goods, wares or merchandise for sale by auction, conducted by themselves or by a licensed auctioneer or otherwise, or who offer them for sale in any other manner. 3-4 Geo. V, c. 43, s. 420, pars. 4-6. Licensing and regulating transient traders.

7. For requiring transient traders and other persons whose names are not entered on the assessment roll or are entered on it for the first time, in respect of income or business assessment, and who so offer goods, wares or merchandise for sale, to pay a license fee before commencing to trade. Requirement as to obtaining license before doing business.

- (a) A by-law passed under paragraphs 6 or 7 shall not apply to the sale of the stock of an insolvent which is being sold or disposed of within the county or district in which he carried on business therewith at the time of the issue of an attachment or of the execution of an assignment. Stock of insolvent.

- (b) "Transient traders" shall include any person commencing business who has not resided continuously in the municipality for at least three months next preceding the time of his commencing such business there. Meaning of words "transient traders."

- (c) The fee to be paid for a license under paragraph 7 shall not exceed in a city or town \$250, in a village in unorganized territory \$200, and in other local municipalities \$100. Fees.

- (d) The sum paid for a license shall be credited to the person paying it, on account of taxes thereafter payable by him. 3-4 Geo. V, c. 43, s. 420, par. 7; 5 Geo. V, c. 34, s. 34.

421. By-laws may be passed by the councils of towns and villages and Boards of Commissioners of Police of cities.

Bands and Musical Instruments.

Bands of music.

1. For regulating or prohibiting the playing of bands and of musical instruments in any highway, park, or public place except by a military band attached to any regular corps of the Militia of Canada when on duty, under the command of its regular officer.

Junk Stores—Purchasing or Receiving Pledges from Minors.

Junk shops, buying from minors.

2. For prohibiting keepers of second-hand shops or junk stores or shops, directly or indirectly purchasing from, exchanging with, or receiving in pledge from any minor appearing to be under the age of 18 years, without written authority from a parent or guardian of such minor, any metals, goods, or articles. 3-4 Geo. V, c. 43, s. 421.

422. By-laws may be passed by Boards of Commissioners of Police of cities.

Cab Drivers—Licensing of.

Licensing cab drivers.

1. For licensing drivers of cabs.

Children in certain Occupations.

Control of children.

2. For regulating and controlling children engaged as express or despatch messengers, vendors of newspapers and small wares and bootblacks.

Fares for Conveyance of Goods and Passengers.

Rates of fare for conveyance of goods or passengers.

3. For establishing the rates of fare to be taken by the owners or drivers of vehicles for the conveyance of goods or passengers either wholly within the city, or from any point within the city to any other point not more than three miles beyond its limits, and providing for enforcing payment of such fares.

Livery Stables, etc.—Hours of Labour.

4. For regulating the hours of labour of persons employed in livery or boarding stables as drivers of motor vehicles, cabs, carriages, or sleighs kept for hire, or by the owners of horses, carts, trucks, omnibuses, and other vehicles kept for hire. Regulating hours of labour of persons employed in livery stables, etc.

Livery Stables, etc.—Licensing of.

5. For licensing and regulating the owners of livery stables and of horses, cabs, carriages, carts, trucks, sleighs, omnibuses, and other vehicles regularly used for hire within the city, whether such owners reside within or without the city. Licensing and regulating livery stables, cabs, etc.

Parades and Traffic on Highways.

6. For regulating parades or processions on highways, and from time to time, and as occasion may require, prescribing the routes of travel to be observed by all vehicles, horses and persons upon the highways, and preventing the obstruction of the highways during public processions or public demonstrations, and for giving directions to the police constables for keeping order, and preventing any collision or obstruction of traffic at the intersections or other frequented portions of the highways, on all occasions when the highways are thronged, or liable to obstruction. Regulating traffic and parades.

- (a) This paragraph shall not affect the right, if any, of a street railway company to regulate the routes of its cars and no regulation or direction which may affect a street railway company shall be made or given until the company has been afforded an opportunity of being heard. 3-4 Geo. V, c. 43, s. 422.

Destitute Insane Persons—Support of.

423. The council of every county shall make provision for the whole or partial support within the county of such insane destitute persons as cannot be admitted to a Provincial Asylum, and shall determine the sums to be paid for such support, and the persons to whom the same shall be paid. County council to make provision for the destitute insane.
3-4 Geo. V, c. 43, s. 423.

Members of Council—Payment of.

424.—(1) By-laws may be passed by the councils of counties and townships for paying the members of the council for their attendance at meetings of the council or of Remuneration to councillors and committee-men.

its committees, at a rate not exceeding \$8 a day, and ten cents for each mile necessarily travelled in going to and from such meetings. 3-4 Geo. V. c. 43, s. 424 (1). 10-11 Geo. V. c. 58, s. 18; 11 Geo. V. c. 63, s. 19.

Payment
of coun-
cillors.

(2) By-laws may be passed by councils of cities having a population of less than 100,000, towns and villages for paying the members of the council for their attendance at meetings of the council or of its committees at a rate not exceeding five dollars a day. 10-11 Geo. V, c. 58, s. 19.

Remunera-
tion of
aldermen
in certain
cities.

425. By-laws may be passed by the councils of cities having a population of not less than 100,000, for paying an annual allowance, not exceeding \$500 to aldermen, and an additional allowance not exceeding \$100 to each chairman of a standing committee and to the chairman of the Court of Revision and the Local Board of Health.

(a) The by-law shall provide for the deduction from such allowance of a reasonable sum to be fixed by the council for each day's absence from meetings. 3-4 Geo. V, c. 43; s. 425; 11 Geo. V. c. 63, s. 20.

Members of Certain Councils may be Appointed Commissioners.

Payment of
aldermen
and chair-
men of
committees.

425a. By-laws may be passed by the councils of cities having a population of not less than 200,000 with the assent of the municipal electors for paying an annual allowance not exceeding \$1,200 to aldermen and an additional allowance not exceeding \$100 to each chairman of a standing committee and to the chairman of the Court of Revision and the Local Board of Health. 4 Geo. V, c. 33, s. 18.

Appoint-
ment of
member of
council as
road com-
missioner,
etc.

426. A member of the council of a county, village or township may be appointed commissioner, superintendent or overseer of any highway or of any work undertaken wholly or in part at the expense of the corporation and may be paid the like remuneration for his services as if he were not a member of the council. 3-4 Geo. V, c. 43, s. 426.

Expenses of Reception of Distinguished Guests and Travelling Expenses.

Expenses of
entertaining
guests and
for travel-
ling on civic
business.

427.—(1) The council of a city, town, village, county or township may pay for or towards the reception or entertainment of persons of distinction or the celebration of events or matters of national interest or importance, or for or towards travelling or other expenses incurred in respect to matters pertaining to or affecting the interests of the corporation, a sum not exceeding in any year in the case of

- (a) a city having a population of not less than 100,000 \$20,000
- (b) a city or town having a population of not less than 20,000 2,500
- (c) a city or town having a population of not less than 10,000 1,000
- (d) a county 1,500
- (e) other municipalities 500
- 4 Geo. V, c. 33, s. 19.

Publicity Purposes.

428. The council of every city may expend a sum not exceeding in any year \$3,000 and the council of every town having a population of not less than 5,000 and the council of every county may expend a sum not exceeding in any year \$500, in diffusing information respecting the advantages of the municipality as a manufacturing, business, educational or residential centre, or as a desirable place in which to spend the summer months, and the councils of other municipalities may expend for the like purpose a sum not exceeding in any year \$100. 3-4 Geo. V. c. 43, s. 428; 11 Geo. V. c. 63, s. 21.

PART XXI.

HIGHWAYS AND BRIDGES.

Powers and Duties as to

429.—(1) In this Part

Interpretation.

- (a) "County bridge" shall mean a bridge under the exclusive jurisdiction of the council of a county.

(2) Except as provided by section 445 this Part shall not apply to a Provincial road or bridge under the control of the Crown. 3-4 Geo. V, c. 43, s. 429.

430. Where by this Part power is conferred upon a council to pass by-laws for acquiring or for assuming a highway it shall include the power to pass by-laws for acquiring or for assuming part of a highway. 3-4 Geo. V, c. 43, s. 430.

What councils to exercise powers re highways and bridges.

431. Where power to pass by-laws in respect of a highway or bridge is by this Act conferred on a council, unless otherwise expressly provided, it shall be exercisable only by the council having jurisdiction over the highway or bridge, or if the highway or bridge is under the joint jurisdiction of two or more councils only by the joint action of such councils, and a by-law by all of them shall be necessary for the exercise of such power. 3-4 Geo. V, c. 43, s. 431.

What shall constitute public highways.

432. Except in so far as they have been stopped up according to law all allowances for roads made by the Crown surveyors, all highways laid out or established under the authority of any statute, all roads on which public money has been expended for opening them, or on which statute labour has been usually performed, all roads passing through Indian lands, all roads dedicated by the owner of the land to public use, and all alterations and deviations of and all bridges over any such allowance for road, highway or road, shall be common and public highways. 3-4 Geo. V, c. 43, s. 432.

Highways vested in corporation having jurisdiction over them.

433.—(1) Unless otherwise expressly provided, the soil and freehold of every highway shall be vested in the corporation or corporations of the municipality or municipalities, the council or councils of which for the time being have jurisdiction over it under the provisions of this Act. 3-4 Geo. V, c. 43, s. 433.

Reservation of rights in soil.

(2) In the case of a dedicated highway such vesting shall be subject to any rights in the soil reserved by the person who laid out or dedicated the highway. 9 Geo. V, c. 46, s. 20.

Jurisdiction of councils over highways.

434. Except where jurisdiction over them is expressly conferred upon another council, the council of every municipality shall have jurisdiction over all highways and bridges within the municipality. 3-4 Geo. V, c. 43, s. 434.

Exception as to road owned by company, etc.

435. The next preceding two sections shall not apply to roads or bridges owned by companies or individuals. 3-4 Geo. V, c. 43, s. 435.

Jurisdiction of county councils over roads and bridges.

436.—(1) The council of a county shall have jurisdiction over every

(a) Highway, bridge and boundary line assumed by the council;

(b) Bridge crossing a river, stream, pond or lake forming or crossing a boundary line between local municipalities other than a city or separated town in the county; and

- (c) Bridge crossing a river or stream over 100 feet in width within the limits of a village in the county where the bridge forms part of a main highway leading through the county.

(2) The council may provide that the jurisdiction conferred upon it by clause (b) of subsection 1 shall not extend to bridges over rivers, streams, ponds or lakes, less than 80 feet in width, or of such width less than 80 feet, as may be specified in the by-law. 3-4 Geo. V, c. 43, s. 436.

437. The councils of the corporations whose duty it is to erect and maintain bridges over rivers, streams, ponds or lakes forming or crossing a boundary line between counties shall have joint jurisdiction over such bridges. 3-4 Geo. V, c. 43, s. 437.

438. The councils of the corporations whose duty it is to erect and maintain bridges over rivers, streams, ponds or lakes forming or crossing a boundary line between a county and a city or separated town shall have joint jurisdiction over such bridges. 3-4 Geo. V, c. 43, s. 438.

439. The councils of the local municipalities between which they run shall have joint jurisdiction over all boundary lines, whether or not they form also county boundary lines, which have not been assumed by the council of the county, and over the bridges on them except such bridges crossing rivers, streams, ponds or lakes forming or crossing such boundary lines as by the provisions of this Act are under the jurisdiction of another council or other councils. 3-4 Geo. V, c. 43, s. 439.

440. Where a boulevard, drive or highway or a public avenue or walk is owned or has been opened and laid out or is under the authority of this Act assumed, or a bridge is owned or has been constructed or is under the authority of this Act assumed by the corporation of a municipality other than that in which it is situate the council of that corporation shall have jurisdiction over it. 3-4 Geo. V, c. 43, s. 440.

441.—(1) The council of a village may pass by-laws for the assumption by the corporation of the village, with the consent of, and on such terms and conditions as may be agreed on with the council of the county, of any bridge within the limits of the village and under the jurisdiction of the council of the county.

(2) When the by-law takes effect the bridge shall cease to be under the jurisdiction of the council of the county and

shall come and thereafter remain under the jurisdiction of the council of the village, and shall be and remain toll free. 3-4 Geo. V, c. 43, s. 441.

Approaches
to bridges.

442. The council having jurisdiction over a bridge shall have jurisdiction over the approaches to it for 100 feet next adjoining each end of the bridge. 3-4 Geo. V, c. 43, s. 442.

Joint main-
tenance of
roads where
land annexed
to city or
town.

443. Where land annexed to a city or town under this Act abuts on a highway the highway shall be under the joint jurisdiction of the councils of the city or town and the adjacent municipality or municipalities. 3-4 Geo. V, c. 43, s. 443.

Agreements
between
adjoining
municipali-
ties as to
mainten-
ance of
boundary
road.

444.—(1) The corporations of adjoining municipalities may enter into an agreement for the maintenance and repair of any highway forming the boundary between such municipalities, including the bridges thereon which it is their duty to maintain and repair, whereby each of them may undertake, for a term of years not to exceed ten years, to maintain and keep in repair any portion of such highway for its whole width, and to indemnify and save harmless the other from any loss or damage arising from the want of repair of such portion.

Agreement
to be regis-
tered.

(2) When the agreement is confirmed by by-law of the council of each of the municipalities, the by-law shall be registered in the registry office of the registry division in which the highway is situate.

Effect of.

(3) After the registration of the by-law, each corporation shall have jurisdiction over that portion of the road which it has undertaken to maintain and keep in repair, and shall be liable for the damages incurred by reason of neglect to maintain and keep the same in repair; and the other corporation shall be relieved from all liability in respect of its maintenance and repair. 3-4 Geo. V, c. 43, s. 444.

Proclama-
tion bring-
ing govern-
ment road
or bridge
under juris-
diction of
municipal-
ity.

445. Where the Lieutenant-Governor in Council by proclamation declares, which it shall be lawful for him to do, that any public road or bridge under the control of the Minister of Public Works and Highways shall not be under his control after a day named in the proclamation, such road or bridge shall after that day cease to be under the control of the Minister, and no tolls shall be collected thereon and the road or bridge shall be under the jurisdiction of the council of the local municipality in which it is situate, or if it is partly situate in two or more municipalities shall be under the jurisdiction of the councils of such municipalities, each having jurisdiction over the part which lies within its municipality, or if

it lies between two or more municipalities shall be under the joint jurisdiction of their councils. 3-4 Geo. V, c. 43, s. 445.
5 Geo. V. c. 17, s. 2.

446.—(1) The council of a county may by by-law assume ^{Assumption by county councils of highways, bridges and boundary lines.} as a county road any highway, or as a county bridge any bridge, within a town, not being a separated town, or within a village or township.

(2) The by-law shall not take effect until assented to by the council of the town, village or township.

(3) The council of a county may also by by-law assume as a county road any county or township boundary line.

(4) The council of a county may also by by-law assume as a county road any highway in a town, not being a separated town, or in a village or township which connects with a county road.

(5) Where a highway is assumed under this section the bridges thereon shall also be assumed as county bridges.

(6) A by-law passed under the authority of this section ^{Repeal of by-law.} may be at any time repealed by the council of the county.

(7) After the repeal of the by-law such highway or bridge ^{Effect of repeal.} shall cease to be under the jurisdiction of the council of the county and shall fall and be under the jurisdiction of the council or councils which had jurisdiction over it at the time of the passing of the by-law for assuming it. 3-4 Geo. V, c. 43, s. 446.

447.—(1) The council of a city or town may pass by-law ^{Assuming highway in adjacent municipality as a public avenue or walk.} for assuming for the purpose of a public avenue or walk any highway in an adjacent local municipality and for acquiring so much land on either side of such highway as may be required to increase its width to not more than 100 feet.

(2) The by-law shall not take effect unless or until it is ^{Assent of other council.} assented to by by-law of the council of the adjacent municipality. 3-4 Geo. V, c. 43, s. 447.

448.—(1) The council of a county may by by-law ^{Abandonment by county of roads.} abandon the whole or any part of a toll road owned by the corporation of the county or of any other road owned by it, whether the road is situate wholly within the county or partly within it and partly within an adjoining county.

(2) Forthwith after the passing of the by-law the clerk ^{Clerk to transmit copies of by-law.} shall transmit by registered post to the clerk of every local municipality through or along or on the border of which the

road runs a copy of the by-law certified under his hand and the seal of the corporation to be a true copy.

Approval of
Municipal
Board.

(3) The by-law shall not take effect unless or until it is approved by the Municipal Board, nor shall it take effect as to the part of the road lying within or along or on the border of a local municipality whose council does not by by-law assent to the by-law.

Jurisdiction
after aban-
donment.

(4) From and after the taking effect of the by-law the council of a municipality within which any part of the road so abandoned lies shall have jurisdiction over that part of it which lies within the municipality, and where any part of a road so abandoned lies between or on the border of two or more local municipalities the councils of such municipalities shall have joint jurisdiction over that part of it.

Exception.

(5) Nothing in this section shall extend or apply to a bridge which under the provisions of this Act is to be maintained wholly or partly by the corporation of the county. 3-4 Geo. V, c. 43, s. 448.

Bridges over
300 ft. in
length in
townships
and certain
towns may
be declared
county
bridges.

449.—(1) A bridge of a greater length than 300 feet in a town having an equalized assessment of less than \$1,000,000 or in a township may, on the application of the council of such town or township, be declared to be a county bridge where

- (a) It is used by the inhabitants of other municipalities;
- (b) It is situate on an important highway affording means of communication to several municipalities; and
- (c) On account of its length, and for the reasons mentioned in clauses (a) and (b), it is unjust that the burden of maintaining and repairing it should rest upon the corporation of the town or township.

Order of
judge.

(2) An order declaring the bridge to be a county bridge may be made by a Judge of the County Court of the county in which it is situate, on the application of the council of the town or township.

Notice of
application.

(3) Notice of the application shall be served on the corporation of the county, at least thirty days before the day on which it is to be made.

(4) Each corporation shall be entitled to be represented by counsel on the hearing of the application, and the evidence may, if the Judge sees fit, and shall if either party so requests, be given under oath. ^{Hearing.}

(5) If the Judge is of opinion that for the reasons mentioned in subsection 1, the bridge should be declared to be a county bridge, he shall by his order so declare, and in that case he shall determine whether the expense of maintaining and repairing the bridge shall be borne by the corporation of the county or partly by it and partly by the corporation of the town or township, and if he determines that it should be borne partly by each, he shall fix the proportions in which the expense is to be so borne, and his declaration and determination shall be embodied in the order. ^{Power of judge.}

(6) If the order declares the bridge to be a county bridge it shall be registered in the registry office of the registry division in which the bridge is situate. ^{Registration of order.}

(7) An appeal shall lie from the order of the Judge to a Divisional Court and the proceedings upon and incidental to the appeal shall be the same as in the case of an appeal from a Judge of that Court, sitting in Court. ^{Appeal.}

(8) If the order is reversed or varied by the order of the Divisional Court, or if an order declaring the bridge to be a county bridge is made by the Divisional Court, the order of that Court shall be registered as provided by subsection 6. ^{Registration of order of divisional court.}

(9) Where the order of the Judge of the County Court declares the bridge to be a county bridge, except where it is reversed, and subject to any variation of it on appeal, from and after the registration of the order, or where the order has been reversed and an order declaring the bridge to be a county bridge has been made by the Divisional Court from and after the registration of the order of the Divisional Court, the bridge shall be a county bridge. ^{Effect of order after registration.}

(10) Whenever any expenditure is made by the corporation of the county in maintaining or repairing the bridge a proportion of which the corporation of the town or township is by the order required to bear, that proportion of the expenditure shall be payable by the last named corporation to the corporation of the county on demand. ^{Payment to county of proportion of maintenance.}

(11) Where the application is dismissed, either by the order of the Judge of the County Court or by the order of the Divisional Court, a new application shall not be made until five years have elapsed from the date of the order, and ^{When new application may be made.}

any new application thereafter made may be dealt with without regard to the former order, and the preceding subsections shall apply *mutatis mutandis* to the application. 3-4 Geo. V, c. 43, s. 449 (1-11).

Approaches
—when to
form part
of bridge.

(11a) In the case of a bridge crossing a river, stream, pond, or lake the approaches to the bridge whether consisting of embankments or other artificial works to the extent to which they are rendered necessary on account of the waters of the river, stream, pond or lake overflowing the highway on one or on both sides of the river, stream, pond or lake in times of freshets or at any other time, shall be deemed for the purpose of this section to form part of the bridge.

Application
of section
to construc-
tion and
renewal of
bridge.

(11b) This section shall also apply to a bridge which it is proposed to construct, including a bridge to replace an existing one and a bridge to replace one that has been carried away or destroyed or so damaged that it is necessary to rebuild it, and the application may be made before the work of construction is begun.

Determina-
tion by
judge as to
length of
bridge
required.

(11c) In the case of an application to which the next preceding subsection applies it shall be the duty of the judge to consider and determine whether a bridge of the length of that which it is proposed to erect is necessary for the purpose for which it is to be erected, and if he is of opinion that a bridge of 300 feet or less will be sufficient for that purpose it shall be the duty of the judge so to determine and to refuse to make an order under this section.

Provision
for new
application
in certain
cases.

(11d) Where an application has been made under this section within twelve months before the enactment of subsections 11a, 11b, and 11c, and has been refused but ought to have been granted if those subsections had then been in force notwithstanding the provisions of subsection 11, a new application may be made at any time. 7 Geo. V, c. 42, s. 21 (1).

Power to
agree as
to main-
tenance.

(12) In the case provided for by this section the councils of the town or township and the council of the county may at any time enter into an agreement as to the proportions in which the cost of maintaining the bridge and keeping it in repair shall be borne by their respective corporations, or in a case to which subsection 11b applies as to the proportions in which the cost of constructing and maintaining the bridge and keeping it in repair shall be borne by their respective corporations. 3-4 Geo. V. c. 43, s. 449 *part*; 7 Geo. V. c. 42, s. 21 (2).

What agree-
ment to
provide.

(13) The agreement shall provide that the bridge shall thereafter or after a day to be named be under the exclusive

jurisdiction of the council of the county or remain under the jurisdiction of the council of the town or township.

(14) The terms of the agreement shall be embodied in an order of the Judge of the County Court which may be made upon the application of either corporation, and the order so made shall supersede any former order made by him. Order of judge embodying agreement.

(15) If the agreement provides that the bridge is to come under the exclusive jurisdiction of the council of the county the order made under the next preceding subsection shall so declare.

(16) The order made under subsection 14 shall be registered as provided by subsection 6, and shall have the same effect as an order upon an application made under subsection 2, but the order shall not be subject to appeal. 3-4 Geo. V, c. 43, s. 449 *part*. Registration of order.

450. The council of a county which assumes as a county road or bridge, any highway or bridge within a township, shall with as little delay as reasonably may be, and at the expense of the county, cause the highway to be graded and drained and gravelled, macadamized, or surfaced or paved with other permanent material, or the bridge to be built in a good and substantial manner and shall maintain and keep the same in repair. 3-4 Geo. V, c. 43, s. 450. Highways assumed by county to be planked, gravelled, etc.

451. The council of the county shall cause to be built and maintained at the expense of the corporation of the county the bridges mentioned in clauses (b) and (c) of section 436. 3-4 Geo. V, c. 43, s. 451. County to build and maintain certain bridges.

452. Where a river, stream, pond or lake forms or crosses a boundary line between two or more counties, it shall be the duty of the corporations of the counties, and where it forms or crosses a boundary line between a county and a city or a separated town, it shall be the duty of the corporations of the county and the city or separated town, to erect and maintain bridges over such river, stream, pond or lake. 3-4 Geo. V, c. 43, s. 452. Maintenance of bridges on county boundary lines.

453.—(1) Boundary lines between local municipalities, including those which also form county boundary lines, shall be maintained by the corporations of such municipalities, and they shall also erect and maintain all necessary bridges on such boundary lines. Maintenance of boundary lines.

(2) Subsection 1 shall not apply to boundary lines assumed by the council of the county or to such bridges as are Exceptions.

under the provisions of this Act to be erected or maintained by another corporation. 3-4 Geo. V, c. 43, s. 453.

Local municipalities to erect and maintain certain bridges.

454. Where the council of a county passes a by-law under subsection 2 of section 436 it shall be the duty of the councils of the local municipalities to erect and maintain all necessary bridges from the erection and maintenance of which the council of the county is relieved by the by-law. 3-4 Geo. V, c. 43, s. 454.

Maintenance of boundary lines and bridges in provisional judicial district.

455. All boundary lines, and all bridges over rivers, streams, ponds or lakes forming or crossing a boundary line between two or more local municipalities in a provisional judicial district shall be erected and maintained by the corporations of such municipalities and their councils shall have joint jurisdiction over them; and if the councils fail to agree as to the proportion of the expense to be borne by each corporation the same shall be determined by arbitration. 3-4 Geo. V, c. 43, s. 455.

Driftwood in Streams.

Keeping rivers free from driftwood, etc.

456.—(1) Where a river or stream forms a boundary line between two or more municipalities in a county, the corporation of the county shall keep it free from all accumulations of driftwood or fallen timber.

What corporations to perform the work and apportionment of expense.

(2) Where the river or stream forms a boundary line between two or more counties, the duty mentioned in subsection 1 shall be performed by the corporations of the counties, and where the river or stream forms the boundary line between a county and a city or separated town, shall be performed by the corporation of the county and the corporation of the city or separated town, and in case of failure to agree in either case, as to the share or proportion of the expense incurred in performing the duty to be borne by them respectively, the same shall be determined by arbitration. 3-4 Geo. V, c. 43, s. 456.

Keeping stream free from logs brush, etc., in townships.

457.—(1) Where a stream or creek is cleared of all logs, brush or other obstructions to the boundary line between a township and an adjoining township into which the stream or creek flows, the council of the township in which the stream or creek has been so cleared may give notice in writing to the corporation of such adjoining township requesting its council to clear such stream or creek through the municipality.

(2) It shall be the duty of such last mentioned corporation, within six months after the service of the notice, to enforce the removal of all obstructions in such stream or creek within the municipality, to the satisfaction of any person whom the council of the county in which the municipality whose council gave the notice is situate, appoints to inspect the same. Notice requiring other township to remove obstructions.

(3) If the corporation receiving the notice neglects to perform such duty, and by reason of its neglect any highway or bridge in either of the townships becomes out of repair, the corporation in default, and that corporation only, shall be responsible for the damages sustained by any person by reason of such want of repair. 3-4 Geo. V, c. 43, s. 457. Effect of failure to perform duty.

458. Where, on account of physical difficulties or obstructions existing on a boundary line between municipalities, and in order to obtain a better line of road, a road has been heretofore or is hereafter laid out and opened which does not follow the course of such boundary line throughout, but in some place or places so deviates from it as to lie wholly within one of the municipalities, such road shall nevertheless be deemed to be, for the purposes of this Act, the boundary line between the municipalities; and a river, stream, pond or lake which crosses it where it so deviates shall be deemed to be a river, stream, pond or lake crossing a boundary line within the meaning of this Act. 3-4 Geo. V, c. 43, s. 458. Deviations of boundary lines.

459.—(1) Every iron, steel, concrete or stone bridge constructed by the corporation of a county, and every such bridge exceeding twenty feet (20) clear span constructed by the corporation of a township shall be designed and built in accordance with general specifications approved by the Department of Public Highways. Specifications for certain bridges.

(2) Plans in duplicate for any such bridges may be submitted by the council of any county or township to the Department of Public Highways, and if they are found to be in accordance with such approved general specifications the certificate of the Department shall be attached, and one of such plans shall be returned to the clerk of such county or township. 6 Geo. V, c. 39, s. 10. Duplicate plans to be submitted.

460.—(1) Every highway and every bridge shall be kept in repair by the corporation the council of which has jurisdiction over it, or upon which the duty of repairing it is imposed by this Act, and in case of default, the corporation shall be liable for all damages sustained by any person by reason of such default. Liability for repair of public roads, etc.

Limitation
of actions.

(2) No action shall be brought against a corporation for the recovery of damages occasioned by such default, whether the want of repair was the result of nonfeasance or misfeasance, after the expiration of three months from the time when the damages were sustained.

Snow or
ice on
sidewalks.

(3) Except in case of gross negligence a corporation shall not be liable for a personal injury caused by snow or ice upon a sidewalk.

Notice of
action.

(4) No action shall be brought for the recovery of the damages mentioned in subsection 1 unless notice in writing of the claim and of the injury complained of has been served upon or sent by registered post to the head, or the clerk of the corporation, in the case of a county or township within ten days, and in the case of an urban municipality within seven days after the happening of the injury, nor unless where the claim is against two or more corporations jointly liable for the repair of the highway or bridge, the prescribed notice was given to each of them within the prescribed time. 3-4 Geo. V. c. 43, s. 460. (1-4); 11 Geo. V. c. 63, s. 22.

When dis-
pensed with.

(5) In case of the death of the person injured, failure to give the notice shall not be a bar to the action, and, except where the injury was caused by snow or ice upon a sidewalk, failure to give or insufficiency of the notice shall not be a bar to the action, if the court or Judge before whom the action is tried is of the opinion that there is reasonable excuse for the want or insufficiency of the notice and that the corporation was not thereby prejudiced in its defence.

To what
roads ap-
plicable.

(6) This section shall not apply to a road, street or highway laid out or to a bridge built by a private person or by a body corporate until it is established by by-law of the council or otherwise assumed for public use by the corporation.

When cor-
poration not
responsible
for acts of
others.

(7) Nothing in this section shall impose upon a corporation any obligation or liability in respect of any act or omission of any person acting in the exercise of any power or authority conferred upon him by law, and over which the corporation had no control, unless the corporation was a party to the act or omission, or the authority under which such person acted was a by-law, resolution or license of its council.

When cor-
poration
not liable
for dam-
ages.

(8) A corporation shall not be liable for damages under this section unless the person claiming the damages has suffered by reason of the default of the corporation a particular loss or damage beyond what is suffered by him in common with all other persons affected by the want of repair.

(9) Where a bridge which it is the duty of a corporation to repair is destroyed or so damaged that it is necessary to rebuild it the Municipal Board may, upon the application of the corporation, relieve it from the obligation to rebuild the bridge, if the Board is satisfied that it is no longer required for the public convenience or that the re-building of it would entail a larger expenditure than would be reasonable, having regard to the use that would be made of the bridge if it were re-built. Relief from obligation to rebuild.

(10) The relief may be granted on such terms and conditions as the Board may deem just, and such notice of the application shall be given as the Board may direct. Conditions of granting relief.

(11) The next preceding two subsections shall not affect the costs of any pending action. 3-4 Geo. V. c. 43, s. 460 (5-11) Costs of pending actions.

461. A corporation shall, in the absence of an agreement to the contrary, keep in repair all crossings, culverts and approaches, sidewalks and other works made or constructed by it or by any person with the permission of its council, upon any toll road in or passing through the municipality, and in case of default shall be liable, as in the case provided for by section 460. 3-4 Geo. V, c. 43, s. 461. Repair of crossings, sewers, etc., made by leave of municipality on toll roads.

462.—(1) Where two or more corporations are jointly liable for keeping in repair a highway or bridge, there shall be contribution between them as to the damages sustained by any person by reason of their default in so doing. Apportionment of damages.

(2) Any action by any such person shall be brought against all such corporations, and any of them may require that the proportions in which such damages and the costs of the action are to be borne by them shall be determined in the action. Action to be against all corporations.

(3) In settling such proportions, either in the action or otherwise, regard shall be had to the extent to which each corporation was responsible, either primarily or otherwise, for the act or omission by reason of which the damages became payable or are recoverable and the damages and costs shall be apportioned between them accordingly. 3-4 Geo. V, c. 43, s. 462. What to be taken into account.

463.—(1) Where an action may be brought against a corporation by a person who has sustained damages by reason of its default in keeping in repair a highway or bridge, no action shall be brought by him in respect of it or to recover such damages, or any part of them against any member of the council or officer or employee of the corporation personally, but the remedy therefor shall be against the corporation. Members of council and employees not liable for non-repair of highways.

Contractors
not deemed
employees.

(2) A mere contractor with the corporation or an officer or employee who is such contractor, by reason of whose act or omission the damages were caused, shall not be deemed an employee within the meaning of subsection 1. 3-4 Geo. V, c. 43, s. 463.

Remedy
over, for
damages
caused by
non-repair
against per-
sons causing
same.

464.—(1) Where an action is brought to recover damages sustained by reason of any obstruction, excavation or opening in or near a highway or bridge placed, made, left or maintained by any person other than the corporation or a servant or agent of the corporation, or by reason of any negligent or wrongful act or omission of any person other than the corporation or a servant or agent of the corporation, the corporation shall have a remedy over against such other person for, and may enforce payment of the damages and costs which are recovered against the corporation.

Remedy over
in same
action.

(2) The corporation shall be entitled to such remedy over in the same action, if the other person is a party to the action and it is established in the action as against him that the damages were sustained by reason of an obstruction, excavation, or opening so placed, made, left or maintained by him.

Adding
party de-
fendant.

(3) The corporation may in such action have the other person, if not already a defendant, added as a party defendant or third party for the purposes of the remedy over; and such person may defend the action as well against the plaintiff's claim as against the claim of the corporation.

Where per-
son causing
damage has
not been
made a
party.

(4) If such person is not a party defendant, or is not added as a party defendant or third party, or if the corporation has paid the damages before an action is brought to recover the same, or before a recovery thereof in an action against the corporation, the corporation shall have the remedy over, by action against such person, but he shall be deemed to admit the validity of the judgment obtained against the corporation, only where a notice has been served on him, pursuant to Rules of Court, or where he has admitted, or is estopped from denying the validity of such judgment.

When a
fresh action
is neces-
sary.

(5) Where such notice has not been served, and there has been no such admission or estoppel, and such person has not been made a party defendant or third party to the action against the corporation, or where the damages have been paid without action, or without recovery of judgment against the corporation, the liability of the corporation for such damages, and the fact that the damages were sustained under such circumstances as to entitle the corporation to the remedy over,

must be established in the action against such person to entitle the corporation to recover in the action. 3-4 Geo. V, c. 43, s. 464.

465.—(1) Whenever there is a dispute between the councils of any two or more corporations as to the corporation on which the obligation to build and maintain or to build or maintain a bridge or to keep in repair a highway rests, the Supreme Court may upon the application of any or either of the corporations determine the matter in dispute on an originating motion; or the Court, if of opinion that the matter in dispute cannot satisfactorily be determined on an originating motion, or that for any other reason it ought not to be so determined, may direct that an action may be brought or that an issue be tried for the purpose of determining the matter in dispute, and the Court may in either case compel by mandamus the performance of the obligation by the corporation upon which it is found to rest.

Determination of disputes as to duty to erect and maintain bridge or repair highway.

(2) Except in the cases provided for by section 468, where the dispute is as to the proportions in which the corporations should contribute to the cost of erecting and maintaining or of erecting or maintaining a bridge or of keeping in repair a highway, the matter in dispute shall be determined by arbitration. 3-4 Geo. V, c. 43, s. 465.

Disputes as to apportionment of cost of erecting or maintaining.

466.—(1) Where an allowance for road was not reserved in the original survey on a township boundary or part of it, the councils of the townships may establish and lay out a highway on such boundary or part of it.

Laying out highway where no original allowance.

(2) The councils of any or either of the municipalities may pass a by-law for establishing and laying out such a highway and for acquiring the land requisite for the one-half of it which lies within the limits of its municipality.

Passing by-law for.

(3) The clerk shall within four days after the passing of the by-law transmit by registered post to the clerk of each of the other townships a copy of the by-law certified under his hand and the seal of the corporation to be a true copy.

Copy of by-law to be sent to other townships.

(4) If the other council or councils do not within six months after such notice pass a by-law or by-laws in similar terms, the council by which the by-law was passed may require the question of establishing and laying out the proposed highway to be determined by arbitration.

Arbitration.

(5) The arbitrators shall determine whether or not the proposed highway shall be established and laid out, and if they determine that it shall be established and laid out they

Power of arbitrators.

shall also determine in what proportions the cost of the site of it shall be borne by each of the corporations.

Duties of other townships when arbitrators determine that highway should be laid out.

(6) If it is determined by the arbitrators that the proposed highway shall be established and laid out, the other councils shall forthwith after notice of the award pass the necessary by-laws for establishing and laying out the proposed highway and for acquiring the land requisite for the one-half of it which will lie within the limits of their respective municipalities, and for otherwise carrying out the provisions of the award, and shall proceed with all reasonable despatch to carry into effect the provisions of the by-law.

Effect of determination against laying out highway.

(7) If it is determined by the arbitrators that the proposed highway shall not be established and laid out, no further proceedings shall be taken under this section within two years from the date of the award or within such time not exceeding in all four years, as the arbitrators may by their award determine. 3-4 Geo. V, c. 43, s. 466.

Disputes as to bridges or highway to be settled by arbitration.

467.—(1) Where a highway or bridge is under the joint jurisdiction of the councils of two or more municipalities and they are unable to agree as to any action which one or more of them desire to be taken in the exercise of such joint jurisdiction, any of them may require that the matter in dispute shall be determined by arbitration, and in that case shall prepare a draft by-law for carrying into effect what it is desired shall be done, and serve a copy of it on the clerk of the other municipalities with a notice that it is its desire that such a by-law shall be passed.

Award.

(2) If it is determined by the arbitrators that what is proposed ought to be done, they shall by their award so direct, and in that case each council shall forthwith after notice of the award pass a by-law in accordance with the draft by-law and shall, without unnecessary delay, do all things which on its part are necessary for carrying into effect the objects of the by-law. 3-4 Geo. V, c. 43, s. 467.

Determination by county council of disputes as to opening or maintaining township boundary lines.

468.—(1) Where the councils of the townships having joint jurisdiction over a township boundary line fail to agree as to the character of the work to be done in opening, maintaining or repairing it, or as to the proportions in which the cost of the work is to be borne by the corporations of the townships respectively, any or either of such councils may apply to the council of the county to determine the matters in dispute.

(2) Where the township councils having the joint jurisdiction over it neglect or refuse to open up and make, maintain and keep in repair any such boundary line, a majority of the ratepayers resident on land abutting on it may apply to the council of the county to enforce the opening up and the making, maintaining and keeping in repair of such boundary line.

Enforcement by county of opening up or repair on petition of ratepayers.

(3) The application shall be by petition and the council of the county after notice to all the corporations interested and after hearing them and the petitioning ratepayers, if the petition is by ratepayers, or such of them as desire to be heard, shall determine in the case provided for by subsection 1, what work shall be done and the proportions in which the cost of it shall be borne by the corporations of the townships respectively, and in the case provided for by subsection 2 whether the boundary line shall be opened up and the proportions in which the corporations of the townships shall respectively bear the cost of opening up, making, maintaining and keeping in repair the boundary line, and in either case may direct that the statute labour or part of it shall be applied by each of the corporations for such purposes.

What matters to be determined by county council.

(4) The determination and direction of the council of the county shall be embodied in an order or resolution, and the council shall appoint one or more commissioners to execute and enforce any direction so made.

Appointment of commissioners to enforce order.

(5) If the councils of the townships intimate to the council of the county or to the commissioners their intention to proceed with the work directed to be done and to conform to the direction of the council of the county, the commissioners shall delay proceeding to carry out the work directed to be done for a reasonable time to enable the township councils to do it, but if the work is not proceeded with with such despatch as the commissioners deem necessary they shall themselves complete the work.

Townships to have opportunity of doing the work.

(6) The cost of any work done by the commissioners shall be by them apportioned between the corporations of the townships in accordance with the order or resolution of the council of the county, and the commissioners shall certify to the treasurer of the county the amount payable by each of such corporations, and the treasurer shall retain the same out of any money in his hands belonging to the corporation, but if there is not in the hands of the treasurer any such money or not sufficient to pay the amount payable by the corporation, the amount payable or the amount of the deficiency, as the case may be, shall be added to the county rate payable by the corporation in default.

Apportionment of and collection of cost of work of commissioners.

County
boundaries
not affected.

(7) This section shall not apply to a township boundary line which is also a county boundary line. 3-4 Geo. V, c. 43, s. 468.

Determina-
tion by
Municipal
Board of
disputes re
deviation
of county
boundary
lines.

469. Where the councils of the townships having joint jurisdiction over a county boundary line are unable to agree as to—

- (a) The necessity for a deviation of the road from the boundary line, or
- (b) The location of the deviation, or
- (c) The use of an existing highway in lieu of a deviation, or
- (d) The proportions in which the cost of opening, making and maintaining the deviation or the existing highway to be used in lieu of a deviation, is to be borne,

any of the councils may apply to the Municipal Board to determine the matter in dispute, and the Board or any member of it, after notice to the corporations interested and hearing such of them as desire to be heard, shall determine the matter in dispute and may make such order as may be deemed just, and such order shall be final and not subject to appeal. 3-4 Geo. V, c. 43, s. 469.

Power of
Ontario
Motor
League to
erect guide
and mile
posts, etc.

470.—(1) The Ontario Motor League may at its own expense and subject to such regulations as the council of the municipality may prescribe, erect and maintain guide posts at road intersections and mile posts on the highways to indicate distances and danger signals at hills which may be deemed to be dangerous or unsafe for travellers.

How same
to be
erected.

(2) Every such guide post, mile post and danger signal shall be so placed as not to obstruct the highway or to endanger the safety of travellers, and nothing shall appear on or be affixed or attached to it, but a notice indicating the purpose which the guide post, mile post or danger signal is designed to serve.

Penalty.

(3) Every person who contravenes any of the provisions of subsection 2 shall incur a penalty of \$5 for every such contravention.

Defacing
posts
erected.

(4) No person shall cut or throw down or injure or deface any such guide post, mile post or danger signal, and for every contravention of this subsection the person offending

shall incur a penalty not exceeding \$50. 3-4 Geo. V, c. 43, s. 470.

471. The Canadian Wheelman's Association of the Dominion of Canada shall have the like power as is by the next preceding section conferred on the Ontario Motor League, and all the provisions of that section shall apply to guide posts, mile posts and danger signals erected or maintained by the Association; but where either the League or the Association has exercised the powers conferred upon it upon any part of a highway the other shall not have the right to exercise its powers thereon. 3-4 Geo. V, c. 43, s. 471.

Powers of
C. W. A. as
to erection
of guide
posts, etc.

472.—(1) The council of every municipality may pass by-laws,

Establish-
ing, widen-
ing, stop-
ping up, etc.,
highways,
laying out
boulevards,
etc.

- (a) For establishing and laying out highways;
- (b) For widening, altering or diverting any highway or part of a highway;
- (c) For stopping up any highway or part of a highway and for leasing or selling the soil and freehold of a stopped up highway or part of a highway;
- (d) For setting apart and laying out such parts as may be deemed expedient of any highway for the purpose of carriage ways, boulevards and side-walks, and for beautifying the same, and making regulations for their protection;
- (e) For permitting subways for cattle under and bridges for cattle over any highway.

(2) Nothing in subsection 1 shall authorize a council to interfere with any public road or bridge vested in the Crown in right of Ontario or in any public Department, Board or officer of Ontario.

Exceptions
as to exer-
cise of
power.

(3) A by-law passed under the authority of clause (b) or clause (c) of subsection 1 in respect of an allowance for road reserved in the original survey along or leading to the bank of any river or stream or on the shore of any lake or other water shall not take effect until it has been approved by the Lieutenant-Governor in Council.

Approval of
Lieutenant-
Governor
to by-law.

(4) The powers conferred by subsection 1 shall not be exercised without the consent of the Governor-General in Council in respect of,

Approval of
Governor-
General to
by-law.

- (a) Any street, lane or thoroughfare made or laid out by His Majesty's Ordnance or the Principal Secretary of State in whom the Ordnance estates became vested under the Act of the late Province of Canada passed in the 19th year of the reign of Her late Majesty Queen Victoria, Chapter 45, or under Chapter 24 of the Consolidated Statutes of Canada, or made or laid out by the Government of Canada;
- (b) Any land owned by the Crown in right of the Dominion of Canada;
- (c) Any bridge, wharf, dock, quay or other work vested in the Crown in right of the Dominion of Canada;

or so as to interfere with any land reserved for military purposes or with the integrity of the public defences, and the consent of the Governor-General in Council shall be recited in the by-law, but the by-law shall not be quashed or open to question because of the omission to recite it if the consent has been in fact given.

Limitation
of power
of county.

(5) The powers conferred by clause (c) of subsection 1 shall not be exercised by the council of a county in respect of a highway or part of a highway within the limits of a city, town or village in or adjoining the county.

Approval
of district
judge or
county
council to
township
by-law.

(6) A by-law of the council of a township, passed under the authority conferred by clause (c) of subsection 1, in the case of a township in unorganized territory, shall not have any force unless and until approved by a Judge of the District Court of the district in which the township is situated, and in other cases unless and until confirmed by a by-law of the council of the county in which the township is situated passed at an ordinary meeting of the council held not sooner than three months or later than one year after the passing of the by-law of the council of the township. 3-4 Geo. V, c. 43, s. 472.

Closing of
street to
vehicular
traffic only.

(7) The council may, in any by-law closing a highway provide that the same shall only be closed for vehicular traffic and not for pedestrian traffic or *vice versa*, and may provide for the erection of barricades to enforce the due observance thereof. 9 Geo. V, c. 46, s. 21.

Right of
ingress and
egress not
to be taken
away by
closing
road.

473.—(1) A by-law shall not be passed for stopping up, altering or diverting any highway or part of a highway if the effect of the by-law will be to deprive any person of the means of ingress and egress to and from his land or place of

residence over such highway or part of it unless in addition to making compensation to such person, as provided by this Act, another convenient road or way of access to his land or place of residence is provided.

(2) The by-law shall not take effect until the sufficiency of such road or way of access has been agreed upon or unless ^{By-law, when to take effect.} and until, if not agreed upon, its sufficiency has been determined by arbitration as hereinafter mentioned.

(3) If such person disputes the sufficiency of the road or way of access provided, the sufficiency of it shall be determined by arbitration under this Act, and if the amount of compensation is also not agreed upon both matters shall be determined by one and the same arbitration. ^{Arbitration to determine sufficiency of road.}

(4) If the arbitrators determine that the road or way of access provided is insufficient they may by their award determine what road or way of access should be provided, and in that case, unless such last mentioned road or way of access is provided, the by-law shall be void and the corporation shall pay the costs of the arbitration and award. ^{By-law void if road insufficient.} 3-4 Geo. V, c. 43, s. 473.

474.—(1) A person in possession of and having enclosed with a lawful fence that part of an original allowance for road upon which his land abuts which has not been opened for public use by reason of another road being used in lieu of it or of another road parallel or near to it having been established by law in lieu of it shall against every person except the corporation the council of which has jurisdiction over the allowance for road be deemed to be legally possessed of such part until a by-law has been passed by such council for opening it. ^{Possession of unopened road allowance.}

(2) No such by-law shall be passed until notice in writing of the intention to pass it has been given to the person in possession, at least eight days before the meeting of the council at which the by-law is to be taken into consideration. ^{Notice of by-law to be given.} 3-4 Geo. V, c. 43, s. 474.

475.—(1) Before passing a by-law for stopping up, altering, widening, diverting, selling or leasing a highway or for establishing or laying out a highway, ^{Publication of by-law, etc.}

(a) Notice of the proposed by-law shall be published at least once a week for four successive weeks, and in the case of a village or township shall be posted up for at least one month in six of the most public places in the immediate neighbourhood of the highway or proposed highway, and

- (b) The council shall hear in person or by his counsel, solicitor or agent any person who claims that his land will be prejudicially affected by the by-law and who applies to be heard.

Notices.

- (2) The clerk shall give the notices upon payment, by the applicant, if any, for the by-law, of the reasonable expenses to be incurred in so doing. 3-4 Geo. V, c. 43, s. 475.

When publication of by-law not required.

- 476.** Where the owners of and other persons interested in the land required to be taken for the highway consent in writing to the passing of the by-law for establishing and laying it out, or where such land has been acquired by the corporation, section 475 shall not apply to the by-law. 3-4 Geo. V, c. 43, s. 476.

Side lines in double front concessions.

- 477.—(1)** Where an allowance for a sideline road between lots in a double front concession in a township was so run in the original survey that the line in the front half of the concession does not meet the line in the rear half, the council of the township may open and lay out a road to connect the ends of such lines where they do not so meet.

Term of by-law.

- (2) The by-law shall provide that the road shall be opened and laid out in accordance with a survey to be made by an Ontario Land Surveyor named in the by-law.

Appointment of another surveyor by judge.

- (3) A Judge of the County or District Court of the county or district in which the township is situate, on the application of any person over whose land the connecting road will pass who objects to the surveyor appointed by the by-law may appoint another Ontario Land Surveyor in the place of the one so appointed.

Application for appointment.

- (4) The application shall be made within one month after the service of the copy of the by-law on the applicant and at least five days' notice of the time when and the place where it will be heard by the Judge shall be served upon every other person over whose land the connecting road will pass and upon the clerk of the municipality.

Compensation, determination as to.

- (5) The surveyor appointed by the by-law or, if another is appointed by the Judge in his place, the surveyor so appointed shall determine the compensation to be paid to the persons whose lands are taken for the connecting road, and the amount so determined shall be paid to them by the corporation of the township.

Determination, final.

- (6) The determination of the surveyor as to the compensation shall be final. 3-4 Geo. V, c. 43, s. 477.

478.—(1) Where the council of a municipality desiring to open an original allowance for road has by mistake opened a road which was intended to be, but is not wholly or partly, upon such allowance, the land occupied by the road as so opened shall be deemed to have been expropriated under a by-law of the corporation, and no person on whose land such road or any part of it was opened shall be entitled to bring or maintain an action for or in respect of what was done or to recover possession of his land, but he shall be entitled to compensation under and in accordance with the provisions of this Act as for land expropriated under the powers conferred by this Act.

(2) The right to compensation shall be forever barred if the compensation is not claimed within one year after the land was first taken possession of by the corporation. 3-4 Geo. V, c. 43, s. 478.

479.—(1) No highway shall be laid out in any municipality without the sanction of the council of the municipality.

(2) No highway less than 66 feet in width or, except in a city or town, more than 100 feet in width, shall be laid out by the council of the municipality without the approval of the Municipal Board or by any owner of land without the approval of the council of the municipality and of the Municipal Board.

(3) Nothing in this section shall affect the provisions of *The Planning and Development Act*. 4 Geo. V. c. 33, s. 20 (1-3); 11 Geo. V. c. 63, s. 23.

(4) Subsection 2 shall not apply to a township in unorganized territory, and a highway less than 66 feet in width may be laid by the council of any such township subject to and in accordance with the regulations of the Department of Lands and Forests. 4 Geo. V. c. 33, s. 20. (4); 10 11 Geo. V, c. 12, s. 2.

480. The council of an urban municipality may pass by-laws for regulating the erection or occupation of dwelling houses on narrow streets, lanes or alleys or in crowded or unsanitary districts. 3-4 Geo. V, c. 43, s. 480.

481.—(1) The council of a city having a population of not less than 50,000 may pass by-laws for

- (a) Prohibiting the erection or occupation of dwelling houses on highways, lanes or alleys of less width than that prescribed by the by-law;

- (b) Prescribing the minimum area of vacant land which shall be attached to and used with any dwelling house thereafter erected, as the courtyard or curtilage of it;
- (c) Regulating the manner in which buildings intended to be occupied as dwelling houses are to be constructed within the municipality or within any defined area of it;
- (d) Prohibiting the erection of dwelling houses or the alteration of other buildings for the purpose of adapting them for use as dwelling houses, if the same front on a highway less than 40 feet in width, unless the street has been established as a highway by by-law of the council or otherwise assumed for public use by the corporation. 3-4 Geo. V, c. 43, s. 481 (1).

(Note.—Subsection 2 of section 481 repealed by 4 Geo. V, c. 33, s. 21, which declared that no by-law passed under section 481 should be deemed to be invalid by reason of any omission to comply with the provisions of subsection 2).

482. By-laws may be passed—

Granting aid for opening or improving, etc., highways.

(1) By the council of every municipality for granting aid to the corporation of any immediately adjoining municipality towards opening, widening, maintaining or improving any highway within such municipality, or constructing, maintaining or improving any bridge therein.

By local municipalities to county.

(2) By the council of every local municipality for granting aid to the corporation of the county in which the municipality is situate towards opening and making any new road on the boundary of the municipality or constructing any new bridge on such boundary line.

By cities and towns to township.

(3) By the councils of cities and towns for granting aid to the corporation of a township in the county in which the city or town is territorially situate or in an adjoining county towards opening, widening, maintaining or improving any highway in such township which constitutes or is to constitute or forms or is to form part of a highway leading to such city or town, or towards constructing, maintaining or improving any bridge forming or which is to form part of such highway.

By counties to towns, villages and townships, etc.

(4) By the councils of counties for granting aid towards making, improving or maintaining any county or township boundary line.

(5) By the councils of counties for granting aid to the corporation of any town, village or township towards,

- (a) Opening any new highway or constructing any new bridge in the municipality;
- (b) Opening, widening, maintaining or otherwise improving any highway leading from or passing through the municipality into a county road, or constructing, maintaining or improving any bridge forming, or which is to form, part of such highway.

(6) By the councils of townships

By townships to county.

- (a) For granting aid to the corporation of a county adjoining that in which the township is situate towards opening, widening, maintaining or improving any highway lying between the township and another municipality in the adjoining county, or towards constructing, maintaining or improving any bridge on such highway;
- (b) For granting aid for the like purposes to the corporation of the county in which the township is situate in respect of any highway or bridge within the township assumed as a county road or bridge or agreed to be so assumed on condition that such aid shall be granted.

(7) By the council of a township in unorganized territory for opening, widening, maintaining or improving any highway or constructing, maintaining or improving any bridge in an adjoining municipality or in a municipality situate in such adjoining municipality or in an adjoining unorganized township or in adjoining unsurveyed territory or for granting aid to any adjoining municipality or to any municipality situate in such adjoining municipality for any of such purposes.

By townships in unorganized territory.

(8) The aid may be granted by way of loan or otherwise.

3-4 Geo. V, c. 43, s. 482.

Character of aid.

483. By-laws may be passed by the council of every municipality

1. For setting apart portions of the highways at or near the sides of them for the purpose of boulevards, and for permitting the owners of land abutting on a highway to construct, make and maintain at their own expense boulevards

on that part of the highway which may be set apart for that purpose, but not so as unreasonably to confine, impede or incommode public traffic.

Regulations.

2. For regulating the construction, maintenance and protection of such boulevards. 3-4 Geo. V, c. 43, s. 483, pars. 1-2.

Areas and openings under highways.

3. For permitting the owners of land to make, maintain and use areas under and openings to them in the highways and sidewalks and for permitting the owners of land abutting on one side of a highway to construct, maintain and use a bridge or other structure across the highway for the purpose of access to land owned by such owners on the other side of the highway, for prescribing the terms and conditions upon which the same shall be made, constructed, maintained and used, and for making such annual or other charge for the privilege conferred by the by-law as the council may deem reasonable.

Annual charge for.

(a) Such annual or other charge shall be payable and payment of it may be enforced in like manner as taxes are payable and payment of them may be enforced.

Liability of corporation for damages.

(b) The corporation shall be liable for any want of repair of the highway which may result from the construction, maintenance and use of any such area or opening, bridge or structure, but shall be entitled to the remedy over provided for by section 464 against the person by whose act or omission the want of repair is caused. 3-4 Geo. V, c. 43, s. 483, par. 3; 7 Geo. V, c. 42, s. 22.(1) (2).

Bicycle and foot paths.

4. For setting apart so much of any highway as the council may deem necessary for the purposes of a bicycle path or of a foot path.

(a) Any person who rides or drives a horse or other beast of burden or a motor vehicle, wagon, carriage or cart over or along any such path shall incur a penalty of not less than \$1 or more than \$20.

Tolls on highways and bridges.

5. For raising money by toll on any highway, bridge or other work to defray the expense of making, maintaining or repairing it.

6. For granting to any person in consideration or part ^{Granting right to take tolls.} consideration of planking, gravelling or macadamizing a highway, or of building a bridge, the tolls fixed by by-law to be levied on the work for a period of not more than twenty-one years after the work has been completed, and after such completion has been declared by a by-law of the council;

- (a) The grantee of the tolls shall, during such period, maintain and keep in repair the highway or bridge.

7. Subject to the rights of a Crown timber licensee under ^{Selling timber on road allowance. Rev. Stat. c. 29.} *The Crown Timber Act*, for preserving or selling the timber or trees on any original allowance for road.

8. For making regulations as to pits, precipices and deep ^{Regulations re pits, precipices, etc.} waters and other places dangerous to travellers.

9. For acquiring either alone or jointly with the cor- ^{Stone and gravel pits.} poration of another municipality such land in either municipality as may be deemed necessary for procuring therefrom stone or gravel for use in making, maintaining or repairing the highways under the jurisdiction of the council or councils.

10. For entering upon and searching for and taking from ^{Power to enter upon land to take timber, gravel, etc.} land within the municipality, or with the consent of the council of an adjacent municipality expressed by by-law or resolution from land in such municipality, such timber, gravel, stone or other material as may be necessary for constructing, maintaining and keeping in repair the highways and bridges;

- (a) The compensation to be paid to the owners of and ^{Compensation—how determined.} other persons interested in the land for the timber, gravel, stone or other material shall be agreed upon or determined by arbitration before the power to take it is exercised.

- (b) The compensation may be a lump sum for the privilege of taking as much timber, stone, gravel or other material as may be required, or a sum determined by the quantity taken, or a price by the cubic yard or otherwise for what may be taken, as may be agreed on or be determined by the arbitrators.

- (c) Where it is necessary in the exercise of any of the powers conferred by the by-law to pass through or over the land of another person, the corpora-

tion may do so as occasion may require, doing no unnecessary damage, but before doing so the compensation to be paid for the exercise of such power shall be agreed upon or determined by arbitration.

Purchasing
or renting
road making
machinery.

11. For purchasing conditionally, or otherwise, or for renting for a term of years or otherwise, roadmaking machinery and appliances for the purposes of the corporation, and for borrowing money for the purpose of paying the purchase price for any period not exceeding five years and for issuing debentures for the money so borrowed, or for issuing to the vendor debentures payable within that period in payment of the purchase money.

(a) The debentures issued under this paragraph shall be on the instalment plan. 3-4 Geo. V, c. 43, s. 483, pars. 4-11.

Taking stock
in bridge
company.

484. The council of every municipality may pass by-laws for subscribing for any number of shares in the capital stock of or for lending money to or guaranteeing the payment of any money borrowed by a bridge company incorporated for the purpose of erecting and maintaining any bridge within, or partly within, the municipality or between it and another municipality. 3-4 Geo. V, c. 43, s. 484.

Power to
agree with
owners of
toll road
as to the
expenditure
of statute
labour
thereon.

485. The council of every municipality through or adjoining which any toll road passes may enter into an agreement with the owner of the road to expend on it for a limited number of years, such statute labour or sum of money as may be agreed upon, and that at the end of the term of years agreed upon such road shall be toll free and shall become the property of the corporation of the municipality in which it is situate. 3-4 Geo. V, c. 43, s. 485.

Joint works
with other
municipali-
ties.

486. The council of a local municipality may pass by-laws for entering into and performing any agreement with any other council in the same county for executing, at their joint expense and for their joint benefit any work within the jurisdiction of the council. 3-4 Geo. V, c. 43, s. 486.

Trees—Planting, Protection and Removal of.

487. The council of every municipality may pass by-laws

Removal
of trees.

1. For causing any tree, planted or growing on any highway, square, lane or other public communication, to be removed if and when deemed necessary for any purpose of public improvement; but

- (a) The owner of the adjacent land shall be entitled to ten days' notice of the intention of the council to remove such tree, and to be recompensed for his trouble in planting and protecting it, but neither he nor the occupant of the land shall be entitled to any further or other compensation.
- (b) Neither the owner of the adjacent land nor any pathmaster or other public officer, nor any other person, shall remove or cut down or injure any such tree without the express permission of the council.

2. For planting and preserving shade and ornamental ^{Planting trees.} trees upon any highway, and for granting to any person or association of persons money to be expended for such purposes.

3. For prohibiting the injuring or destroying of trees or ^{Ornamental trees.} shrubs on the highways, planted or preserved for shade or ornament.

4. For authorizing the Park Commissioner or any officer ^{Authority to plant, trim and cut down, etc., trees.} appointed for that purpose or a Committee of the Council to,

- (a) Plant or cause to be planted trees in the highways of the municipality;
 - (b) Trim or cause to be trimmed all trees on private property the branches of which extend over a highway;
 - (c) Cut down or remove or cause to be cut down or removed all decayed trees;
 - (d) Remove or transplant or cause to be removed or transplanted any tree planted or growing in any highway, square, lane or other public communication after 48 hours' notice in writing to the occupant of the land opposite to which the tree is planted or growing, but no live tree, unless within 30 feet of another tree, shall be removed without the consent of such occupant.
- (1a) The notice mentioned in clause (d) may be given ^{Service of notice.} by leaving it with a grown-up person resident upon the land, or if the land is unoccupied by posting it in a conspicuous place on the land.

Non-liability for acts done.

- (1b) Neither the corporation nor any person acting under the authority of a by-law for the purposes mentioned in this paragraph shall incur any liability by reason of anything done under the authority of the by-law if reasonable care, skill and judgment are exercised in the doing of it, nor shall the corporation be liable to make compensation to the owner or occupant of the land further than as provided by this section.

General powers not affected.

- (1c) Nothing in this paragraph shall limit the powers conferred by paragraphs 1, 2 and 3. 3-4 Geo. V, c. 43, s. 487.

Cutting down trees on either side of highway.

488.—(1) The council of a county or a township may pass by-laws for requiring that on each or on either side of a highway or part of a highway which passes through a wood the trees, except such as are reserved by the owner for ornament or shelter, shall for a space not exceeding 25 feet from the limits of the highway or part of it be cut down and removed by the owner or occupant of the land within a time to be appointed by the by-law, and if he fails to do so, authorizing such person as may be named in the by-law to cut down and remove them.

Failure of owner or occupant to cut down, etc.

(2) Where the owner or occupant fails to cut down and remove such trees in accordance with the requirements of the by-law the person named in the by-law for that purpose may cut down and remove them, and the trees may be used for the construction, improvement or repair of any highway or bridge in the road division in which the land is situate or may be sold by him to defray the expenses incurred in carrying out the provisions of the by-law. 3-4 Geo. V, c. 43, s. 488.

Expenditure for works in any county of a union.

489.—(1) The councils of united counties may pass by-laws for raising or borrowing money to be expended exclusively in any one of the counties forming the union.

What members to vote on by-law.

(2) None of the members of the council but those representing local municipalities in the county in which the expenditure is to be made shall vote upon the by-law except in the case of an equality of votes, when the warden shall have the casting vote.

What property assessable for rates.

(3) The sums to be raised by taxation for the purpose of making any such expenditure and the sums required to be raised to pay the principal and interest of any money borrowed for that purpose shall be assessed and levied only upon the rateable property in the county in which the expenditure is to be made.

(4) Every debenture issued under the authority of the ^{Debentures,} by-law shall be issued as the debenture of the corporation of ^{issue of.} the united counties, but it shall be stated in the body of it that the payment of the principal and interest is to be provided for by a special rate upon the rateable property in the county in which the expenditure is to be made and upon that property only. 3-4 Geo. V, c. 43, s. 489.

490. The council of a township may pass by-laws for ^{Prizes for} granting a prize not exceeding \$10 for the best kept road- ^{best kept} side, farm front and farm house surroundings, in each ^{roadside,} public school section in the township, and for prescribing ^{etc.} the conditions upon which such prizes may be competed for and awarded. 3-4 Geo. V, c. 43, s. 490.

491. The councils of all municipalities may pass by-laws

1. For prohibiting or regulating the obstructing, en- ^{Obstruction} cumbering, injuring or fouling of highways or ^{of high-} bridges; ^{ways.}
 2. For requiring doorsteps, porches or other erections ^{Removal} or things projecting into or over any highway to ^{of door-} be removed by the owner or occupant of the land ^{steps, etc.} in connection with which they exist.
 3. For prohibiting the building or maintaining of ^{Prohibiting} fences on any highway or the placing or deposit- ^{building or} ing of firewood or any other thing calculated to ^{maintain-} obstruct it or to obstruct or interfere with public ^{ing fences} travel on it, on any highway or bridge, and for ^{on high-} requiring the removal of them by the person by ^{ways.} whom the same are or were so built, maintained, placed or deposited.
- (a) Unless the by-law otherwise provides, a by- ^{Worm} law passed under the authority of para- ^{fences.} graph 3 shall not extend or apply to a worm fence which is not for more than half its width upon the highway, or to materials to be used for the construction or repair of a highway or bridge, if they do not interfere with the use of it for public travel.
4. For prohibiting the throwing, placing or deposit- ^{Prohibiting} ing on any highway or bridge of dirt, filth, glass, ^{throwing} handbills, paper, or other rubbish or refuse, or ^{dirt, glass,} the carcass of any animal. 3-4 Geo. V, c. 43, ^{etc., on} s. 491. ^{highways.}

Traffic
signs.

5. To provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic; provided that no by-law shall authorize the placing of such signs upon that portion of any highway which lies between the double tracks of a street railway constructed upon such highway known as the devil strip. 8 Geo. V, c. 32, s. 14.

Selling
original road
allowance.

492.—(1) Where a highway for the site of which compensation was paid has heretofore or shall hereafter be established and laid out in place of the whole or any part of an original allowance for road, or where the whole or any part of a highway has heretofore been or shall hereafter be legally stopped up, if the council determines to sell such original allowance or such stopped up highway, the price at which it is to be sold shall be fixed by the council, and the owner of the land which abuts on it shall have the right to purchase the soil and freehold of it at that price.

Prior right
of owners
of abutting
lands.

(2) Where there are more owners than one, each shall have the right to purchase that part of it upon which his land abuts, to the middle line of the stopped up highway.

Sale by
council
to other
persons.

(3) If the owner does not exercise his right to purchase within such period as may be fixed by the by-law or by a subsequent by-law, the council may sell the part which he has the right to purchase to any other person at the same or a greater price. 3-4 Geo. V, c. 43, s. 492.

Where
owner of
land taken
for highway
entitled to
original
road allow-
ance.

493.—(1) Where a highway for the site of which compensation was not paid has been laid out and opened in the place of the whole or any part of an original allowance for road, the owner of the land appropriated for the highway or his successor in title if he owns the land which abuts on such allowance shall be entitled to the soil and freehold of it, and if it has not already been conveyed to him or his predecessor in title, to a conveyance of it.

When more
than one
owner.

(2) Where the land which so abuts is owned by more persons than one each shall be entitled to and to a conveyance of the soil and freehold of that part of the allowance upon which his land abuts to the middle line of the allowance.

Where
owner of
land taken
owns no
land abut-
ting on
allowance.

(3) If the owner of the land appropriated for the highway or his successor in title does not own any land abutting on the allowance and the allowance is sold by the council, he shall be entitled to a part of the purchase money which bears the same proportion to the whole purchase money as the

value of the part of the site of the new highway which belonged to him bears to the value of the whole site. 3-4 Geo. V, c. 43, s. 493.

494.—(1) A person in possession of the whole or any part of an original allowance for road in place of which he or any of his predecessors in title has laid out and opened a new road or street without receiving compensation for the site of it, shall be entitled to the soil and freehold of such allowance or part of it, and if it has not already been conveyed to him or to his predecessor in title to a conveyance of it.

When person in possession entitled to original allowance.

(2) Where there are more persons than one in such possession each shall be entitled to and to a conveyance of the soil and freehold of that part of the allowance upon which his land abuts to the middle line of the allowance.

Where several persons in possession.

(3) If the road has not been adopted by by-law of the council or otherwise assumed for public use by the corporation, this section shall not apply until the new road or street is adopted by by-law of the council, and the council by by-law declares that the original allowance is in its opinion useless to the public.

Requirement as to assumption of road by corporation.

(4) This section shall apply to roads and to streets hereafter laid out and opened and to such as have been heretofore laid out and opened. 3-4 Geo. V, c. 43, s. 494.

Application of section.

495. Stone, gravel or other material shall not be put on any highway for the purpose of rebuilding or repairing it during the winter months so as to interfere with the use of sleighs, unless another convenient highway is provided while the rebuilding or repairing is being done. 3-4 Geo. V, c. 43, s. 495.

Stone or gravel on roads during sleighing.

496.—(1) The Lieutenant-Governor in Council may stop up, alter, widen or divert any highway or part of a highway in a Provisional Judicial District not being within an organized municipality, and may sell or lease the soil and freehold of any such highway or part of a highway which he has stopped up or which in consequence of an alteration or diversion of it no longer forms part of the highway as altered or diverted.

Stopping up highways in unorganized territory.

(2) The council of a township in unorganized territory surveyed without road allowance, but in which 5 per cent. of the area is reserved for highways, may pass by-laws for opening and making highways where necessary and the provisions of this Act as to compensation for lands taken or in-

Opening up highways where five per cent. reserved.

juriously affected by the exercise of the powers conferred by this section shall not apply. 3-4 Geo. V, c. 43, s. 496.

Filing plan
of roads in
Department
of Lands,
Forests and
Mines.

(3) In cases of deviations from road allowances and of roads laid out where there are no road allowances as provided in subsection 2 the corporation shall cause a plan thereof, so far as the same affects ungranted lands of the Crown, to be made by an Ontario land surveyor and shall file the same in the Department of Lands and Forests. 61 V. c. 26, s. 3; 10-11 Geo. V. c. 12, s. 2.

PART XXII.

PENALTIES AND ENFORCEMENT OF BY-LAWS.

Power to
impose
penalties,

497.—(1) By-laws may be passed by the councils of all municipalities and by Boards of Commissioners of Police for imposing penalties not exceeding \$50, exclusive of costs, upon every person who contravenes any by-law of the council or of the board passed under the authority of this Act.

Recovery
of.
Rev. Stat.
c. 90.

(2) Every such penalty shall be recoverable under *The Ontario Summary Convictions Act*, all the provisions of which shall apply, except that the imprisonment may be for any term not exceeding six months for the breach of a by-law,

(a) of the council or the Board of Commissioners of Police of a city,

(b) of the council or board of any other municipality for the suppression of houses of ill-fame,

and in all other cases for any term not exceeding twenty-one days. 3-4 Geo. V. c. 43, s. 497.

Recovery of
penalties.

498.—(1) Except where otherwise expressly provided, the penalties imposed by or under the authority of this Act or under the authority of a by-law of a municipal council or of a Board of Commissioners of Police passed under the authority of this Act, shall be recoverable and may be enforced under *The Ontario Summary Convictions Act*.

Rev. Stat.
c. 90.

Prosecu-
tions.

(2) Prosecutions for offences against sections 138, 142, 187 or 189 shall be heard and determined by a police magistrate or two justices of the peace, and in other respects the provisions of *The Ontario Summary Convictions Act* shall apply.

(3) Where the prosecution is brought by a peace officer^{Application of penalties.} or employee of the corporation or of the local Board of Health, the whole of the penalty shall belong to the corporation, and in other cases shall belong one-half to the corporation and the other one-half to the prosecutor. 3-4 Geo. V, c. 43, s. 498.

499.—(1) A conviction for a contravention of any such^{Convictions not invalidated for want of proof of by-law.} by-law shall not be quashed for want of proof of the by-law before the convicting Justice, but the Court or a Judge hearing the motion to quash may dispense with such proof or may permit the by-law to be proved by affidavit, or in such other manner as may be deemed proper.

(2) Nothing in this section shall relieve a prosecutor from^{Requirement as to proof.} the duty of proving the by-law or entitle the Justice to dispense with such proof. 3-4 Geo. V, c. 43, s. 499.

500. Where a council has authority to direct or require^{Enforcing performances of things required to be done under by-laws.} by by-law or otherwise that any matter or thing be done, the council may by the same or by another by-law direct that in default of its being done by the person directed or required to do it, such matter or thing shall be done at his expense, and the corporation may recover the expense incurred in doing it by action, or the same may be recovered in like manner as municipal taxes, or the council may provide that the expense incurred by it, with interest, shall be payable by such person in annual instalments not exceeding ten years and may, without obtaining the assent of the electors, borrow money to cover such expense by the issue of debentures of the corporation payable in more than ten years. 3-4 Geo. V, c. 43, s. 500; 5 Geo. V, c. 34, s. 36.

501. Where a building is erected or used or land is used^{Power to restrain by action.} in contravention of a by-law passed under the authority of this Act, in addition to any other remedy provided by this Act, and to any penalty imposed by the by-law, such contravention may be restrained by action at the instance of the corporation. 3-4 Geo. V, c. 43, s. 501.

PART XXIII.

POLICE VILLAGES.

Formation of.

Formation
of police
village.

502.—(1) Under and subject to the provisions and conditions hereinafter mentioned, a locality may be erected into a police village by the council of the county in which it is situate, or if it comprises parts of two or more counties by the council of the county in which the larger or largest part of the locality is situate.

Petition of
freeholders
and tenants
required.

(2) Where a petition signed by a majority of the freeholders of the locality whose names are entered on the last revised assessment roll and by a sufficient number of the resident tenants of the locality whose names are entered on such roll to make up with such freeholders a majority of the whole number of freeholders and tenants whose names are so entered, praying for the erection of the locality into a police village, is presented to the council, the council, if the locality has a population of not less than 150, and an area of not more than 500 acres, may pass a by-law erecting the locality into a police village to take effect from a day to be named in the by-law declaring the name which the police village shall bear and its boundaries, fixing a time and place and naming the returning officer for holding the first election of trustees and fixing a time and place for the first meeting of trustees. 3-4 Geo. V, c. 43, s. 502.

By-law
erecting
village and
fixing date
of first elec-
tion, etc.

Power of
Municipal
Board to
erect police
village on
failure of
county.

(3) Where a petition has been presented as provided by subsection 2 and is sufficiently signed, and the council of the county does not at its next meeting after the presentation of the petition pass a by-law erecting the police village, application may be made to the Ontario Railway and Municipal Board for an order erecting the locality described in the petition into a police village, and the Board upon being satisfied that the petition has been duly signed and presented to the council, and that the council has neglected to act, and that the locality contains a population of not less than one hundred and fifty and has an area of not more than five hundred acres, and that the convenience of the inhabitants of the locality requires the erection of the police village, may make an order erecting the locality into a police village, the order to take effect at a date to be named therein, declaring the name the police village shall bear and its

boundaries, fixing the time and place and naming the returning officer for holding the first election of trustees and fixing the time and place for the first meeting of trustees. 5 Geo. V, c. 34, s. 37.

503.—(1) When the population of a police village exceeds 500, the council of the county by which it was established may, on petition of two-thirds of the freeholders and tenants of the village, whose names are entered upon the last revised assessment roll, and of the majority of the resident freeholders and tenants of the territory proposed to be added, whose names are entered on the last revised assessment roll of the municipality, may by by-law increase the area of the village by adding to it any adjoining land, but not exceeding 20 acres for each additional 100 of its population over 500. 3-4 Geo. V, c. 43, s. 503 (1).

(1a) In the case of a police village having a population of less than five hundred and an area of less than five hundred acres the council of the county, on petition as required by subsection 1, may by by-law increase the area of such village by adding to it any adjoining land so that the total area shall not exceed five hundred acres. 4 Geo. V, c. 33, s. 22.

(2) Land in another county shall not be included in the increased area without the consent of the council of that county. 3-4 Geo. V, c. 43, s. 503 (2).

504. Subsection 2, 3, 5, 6 and 9 of section 13 shall apply to the proceedings under the next two preceding sections, and the population of the locality shall be determined in case of dispute in such manner and by such means as the council shall determine. 3-4 Geo. V, c. 43, s. 504.

Formation of Police Villages in Provisional Judicial Districts.

504a.—(1). A locality in an organized township or in two or more adjoining organized townships in a provisional judicial district may be erected into a police village by order of the Ontario Railway and Municipal Board.

(2) The order may be made by the board on receipt of a petition signed by a majority of the freeholders of the locality whose names are entered on the last revised assessment roll, and by a sufficient number of the resident tenants of the locality whose names are entered on such roll to make up with such freeholders a majority of the whole number of freeholders and tenants whose names are so entered.

Area of
police vil-
lages in
provisional
judicial
district.

(3) No police village shall be erected under this section until the locality described in the petition contains a population of not less than one hundred and fifty and has an area of not more than five hundred acres, but the board may increase the area of such village in the like manner and under the same circumstances as are set out in section 504 in the case of a police village situate in a county, and section 504 shall *mutatis mutandis* apply to proceedings under this section.

Provisions
of Act re
police vil-
lages in
counties
to apply.

(4) All the provisions of this Act with regard to police villages in counties shall, so far as practicable, apply to a police village erected in a provisional judicial district. 11 Geo.V. c. 63, s. 24.

Trustees—Election of, etc.

Trustees—
number of.

505.—(1) There shall be three trustees for every police village.

General
powers.

(2) The trustees may contract and may sue and be sued, and may pass by-laws by and in the name of the trustees of the police village of (*naming it*) but they shall not be personally liable upon their contracts. 3-4 Geo. V, c. 43, s. 505.

Application
of pro-
visions as
to election,
etc., of
township
councillors.

506.—(1) Except where other provision is made in this Part and except as provided by subsections 2 to 6, the provisions of Parts 2, 3 and 4, which are applicable to councillors of townships, shall apply *mutatis mutandis* to trustees of police villages.

Appointment
of returning
officer—
nomination
and polling.

(2) The trustees shall appoint the returning officer and the place within the village for holding the nomination and for the polling for every election except the first.

Duty of
clerk of
township as
to prepar-
ing voters'
list.

(3) The clerk of every township, a part of which is comprised in the village, not later than the day before that on which the polling is to take place, shall deliver to the returning officer of the village a copy of so much of the voters' list as relates to the village, attested by his declaration in writing as a true copy thereof.

Return of
ballot box.

(4) The return of the ballot box provided for by section 122 shall be made,

(a) Where the village lies wholly within the township to the clerk of that township;

(b) Where the village comprises parts of two or more townships in the same county to the clerk of that county;

- (c) Where the village comprises parts of two or more townships in different counties to the clerk of the county in which the larger or largest part of the village is situate.

(5) The clerk to whom the ballot box is returned shall perform the duties which under sections 126 and 127 are to be performed by the clerk of a municipality. Duties of clerk on receiving ballot box.

(6) No person shall be qualified to be elected a trustee unless he has the prescribed qualification in respect of land situate in the village and resides in or within two miles of the village. Qualification of trustee.

(7) No person shall be qualified to vote at an election of trustees unless he has the prescribed qualification in the village. Qualification of elector.

(8) The first meeting of the trustees after the annual election shall be held at noon on the 3rd Monday in January, or on some date thereafter at noon. 3-4 Geo. V, c. 43, s. 506. First meeting of trustees.

507. If a vacancy occurs in the office of trustee the remaining trustees or trustee shall, by writing, appoint a trustee to fill the vacancy. 3-4 Geo. V, c. 43, s. 507. Vacancies—how filled.

508.—(1) The trustees shall, by writing, appoint one of their number to be inspecting trustee. Appointment of inspecting trustee.

(2) Forthwith after the making of an appointment under subsection 1 or under section 507, the writing by which the appointment is made shall be filed with the clerk to whom the ballot box is to be returned as provided by subsection 4 of section 506. 3-4 Geo. V, c. 43, s. 508. Requirement as to filing appointment of inspecting trustee, etc.

509.—(1) The trustees may at any time before the first day of June in any year by a requisition in writing require the council of the township in which the village is situate to cause to be levied, along with the other rates upon the rateable property in the village, such sum as the trustees deem necessary to defray the expenditure of the trustees for the current year. Requisition on township council to raise sums to meet expenditure.

(2) Where the village comprises parts of two or more townships the requisition shall be made on the council of each township for its proportion of the whole amount to be levied as ascertained in the manner provided by section 510. Case of village situate in more than one township.

Limit of
rates.

(3) The amount which the trustees may require to be so levied shall not in any year exceed a sum which a rate of one cent in the dollar on the rateable property in the village will provide, but this shall not apply to a rate imposed or to be levied under sections 516, 517 or 519. 3-4 Geo. V, c. 43, s. 509.

Apportion-
ment of
rate among
townships
by assess-
ors.

510.—(1) Where a village comprises parts of two or more townships the proportion of the amount required to be levied in each township shall be determined by the assessors of the townships.

Time for
meeting of
assessors.

(2) Where a police village is hereafter erected, the assessors shall meet forthwith after the election for the purpose of determining and shall determine the proportion to be levied in each township.

(3) Thereafter and in the case of all other police villages the meeting shall be held in every second year.

(4) Except in the case of a newly erected police village the two years shall be reckoned from the respective times when the last determination was made by the assessors.

Determina-
tion when
assessors
differ.

(5) If the assessors differ, notice of the fact shall be forthwith given to the inspecting trustee, who shall act with the assessors in determining the proportions, and the decision of a majority shall be final and conclusive.

Notice of
determina-
tion to be
given to
clerk of
township.

(6) The determination of the assessor or of the assessors and the inspecting trustee shall be forthwith communicated to the clerk of each of the townships.

Who to call
meeting of
assessors.

(7) The meeting of the assessors shall be called by the assessor of the township in which is situate the larger or largest part of the rateable property of the village.

How long
determina-
tion to
govern.

(8) The proportions as determined under this section shall govern until the next determination is to be made as provided by subsection 3. 3-4 Geo. V, c. 43, s. 510.

Reduction
of township
rates—deter-
mination of.

511. The ratepayers of the village shall be entitled to such deduction from the township rate payable by them as may be agreed on between the trustees and the council of the township, or if the village comprises parts of two or more townships, by the councils of the respective townships, or if they are unable to agree as shall be determined by a judge of the county court of the county in which the village, or if it comprises more counties than one, the larger or largest part of the village is situate. 3-4 Geo. V, c. 43, s. 511.

512.—(1) The trustees shall be entitled to have the Commutation of statute labour to be performed by the ratepayers of the village performed in the village. statute labour.

(2) If the trustees request the council of a township to commute the statute labour payable by the ratepayers in that part of the village which is situate in the township, the council shall provide for such commutation at such rate not exceeding \$3 per day, as may be requested by the trustees. When council required to commute.
3-4 Geo. V. c. 43, s. 512 (1-2) ; 11 Geo. V. c. 63, s. 25.

(3) The amount of the commutation money shall be collected by the collector of the township and be placed to the credit of the trustees in the books of the treasurer of the township. Collection and application of commutation money. 3-4 Geo. V. c. 43, s. 512 (3)

513. The trustees may

(a) Construct sidewalks and culverts and make, improve, drain and repair the highways in the village; Powers of trustees.

(b) Make contracts for the supply of light, heat or power by any person to the trustees for the purposes of the village or to the residents thereof;

and do all things necessary for any of such purposes. 3-4 Geo. V, c. 43, s. 513.

514.—(1) The treasurer of a township shall, if he has money of the corporation in hand and not otherwise appropriated, from time to time pay any order of the trustee or of any two of the trustees to the extent of Payment by township treasurer of orders of trustees.

(a) The sum required by section 509 to be levied by the council of the township and any sum which the council is required by the provisions of this Part to place to the credit of the trustees, although the same have not been then collected;

(b) Any money received for license fees under any by-law of the trustees and for penalties for breaches of any such by-law or of sections 524, 525 and 526; and

(c) Any money placed to the credit of the trustees under the authority of section 515.

(2) An order shall not be given under this section except for work actually performed or in payment in pursuance of an executed contract. When orders not to be given. 3-4 Geo. V, c. 43, s. 514.

Power of township to pay to trustees part of moneys received for liquor licenses, etc., in villages. Rev. Stat. c. 215.

515. The council of a township in which the whole or a part of a police village is situate may by by-law provide that the whole or any part of the money received by the corporation of the township for licenses issued under *The Liquor License Act* for premises situate in the village or for penalties imposed for offences against that Act committed in the village shall be placed to the credit of the trustees in the books of the treasurer of the township. 3-4 Geo. V, c. 43, s. 515.

Submission of money by-laws for certain purposes.

516.—(1) Upon the application of the trustees the council of a township in which a police village is situate shall submit for the assent of the electors of the village, and if it receives such assent shall pass a by-law for borrowing money for

- (a) The construction of sidewalks of cement, concrete, brick or other permanent material;
- (b) The purchase of fire engines and other appliances for fire protection and the supply of water therefor;
- (c) Lighting the highways in the village; and
- (d) Supplying water, light, heat or power to the trustees for the purposes of the village or to the residents thereof; 3-4 Geo. V, c. 43, s. 516 (1) *part*; 7 Geo. V, c. 42, s. 23.
- (e) Acquiring land as a site for and erecting thereon a Police Village Hall,

and for the issue of debentures of the corporation of the township for the money borrowed, payable on the instalment plan, at such time within ten years and in such manner as the trustees may request. 3-4 Geo. V, c. 43, s. 516 (1) *part*; 5 Geo. V, c. 34, s. 38 (1).

Special rate. (2) The special rate for the payment of the principal and interest shall be imposed upon the rateable property in the village.

Expenditure of money borrowed.

(3) The money borrowed shall be retained in the hands of the treasurer of the township, and he shall pay out of it the orders of the inspecting trustee or of any two trustees in payment for work actually performed or of an executed contract with respect to the work or service for undertaking which the by-law was passed.

(4) When the by-law is passed, the trustees may under-^{Undertak-}take the work or service. 3-4 Geo. V, c. 43, s. 516 (2-4). ^{ing of work.}

(5) The trustees shall have the control, care and manage-^{Control of}ment of the fire engine and appliances, and of the plant and ^{fire engines,} appliances for the supply of light, heat or power, and of ^{etc.} the Police Village Hall. 3-4 Geo. V, c. 43, s. 516 (5); 5 Geo. V, c. 34, s. 38 (2).

(6) The trustees shall in each year before the striking of ^{Statement} the rate by the council of the township furnish to the clerk ^{to be fur-} a statement showing in detail the amount required to be ^{nished to} levied upon the rateable property of the village for the cur- ^{clerk of} rent year for any such work or service which has been under- ^{township,} taken and for the care and maintenance of any fire engine ^{of amount} and appliances purchased and for providing water therefor ^{required to} and for the maintenance and operation of the plant and ^{be levied} appliances for the supply of light, heat or power and of the ^{for certain} Police Village Hall. 3-4 Geo. V, c. 43, s. 516 (6); 5 Geo. ^{purposes.} V, c. 34, s. 38 (2).

517.—(1) The trustees may, with the consent of the ^{Purchase of} council of the township in which the village is situate ^{fire engines} ex-^{and appli-} pressed by by-law or resolution, purchase fire engines and ^{ances with} appliances for fire protection at a cost not exceeding \$3,000, ^{consent of} and pay therefor in instalments within ten years. ^{township} ^{council.}

(2) Upon the purchase being made the council of the ^{Township} township shall pass a by-law for raising the amount of the ^{to pass} purchase money by the issue of debentures of the corpora- ^{debenture} tion of the township on the instalment plan, payable within ^{by-law.} ten years.

(3) The special rate imposed for the payment of the de-^{Special rate.} bentures shall be imposed upon the rateable property in the ^{Special rate.} village.

(4) The assent of the electors to the by-law shall not ^{Assent of} be necessary. ^{electors not} ^{required.}

(5) Subsections 5 and 6 of section 516 shall apply to a fire engine and appliances purchased under the authority of this section. 3-4 Geo. V, c. 43, s. 517.

518. The trustees may contract with the corporation of ^{Agreement} a township in which the whole or any part of the village is ^{for use by} situate for the use by the corporation of a fire engine and ^{township of} appliances purchased under the authority of this Part upon ^{fire engine.} such terms as to payment for the use of them and otherwise as may be agreed upon. 3-4 Geo. V, c. 43, s. 518.

518a. Where the trustees of a police village have heretofore constructed, purchased or acquired or hereafter construct, purchase or acquire, electric light, or power works or works for the development of a water power or works for generating, producing, transmitting, or distributing electrical power or energy under a contract with the Hydro-Electric Power Commission of Ontario at the expense of the rate-payers of the police village, by-laws may be passed in the manner provided by sections 516 and 520 for borrowing such further sums as may be necessary to extend or improve such works or to meet the cost of extensions or improvements already made to such works.

- (a) The by-law or by-laws shall not require the assent of the electors if approved by the municipal board.
- (b) Such approval may be given if it is shown to the satisfaction of the board that the works are approved by the said Commission and that the extension is necessary and that sufficient additional revenue will be derived therefrom to meet the annual payments in respect of the debt and the interest thereon. 5 Geo. V, c. 34, s. 39.

Establishment of Parks, Gardens, etc.

Acquiring
land for
parks, ex-
hibitions,
etc.

519.—(1) Upon the petition of three-fourths of the electors qualified to vote upon money by-laws the council of a township in which a police village is situate may pass a by-law for acquiring land within or without the limits of the village for a highway or for a public park, garden or place for exhibitions, and for the erection thereon of such buildings and fences as the council may deem necessary for the purposes of such highway, park, garden or place for exhibitions and may dispose of such land when no longer required for such purposes.

Control and
manage-
ment of
parks, etc.

(2) The trustees shall have the care, control and management of such highway, park, garden or place.

Powers of
township
council as
to levying
cost of
parks, etc.

(3) The council of the township may provide that,

- (a) The money required for the purpose mentioned in subsection 1 shall be levied upon the rateable property in the village, or,
- (b) Such money be raised by the issue of debentures of the corporation of the township on the instalment plan payable within 10 years.

(4) The by-law shall impose the special rate for the pay-^{Special}ment of the debentures upon the rateable property in the vil-^{rates.}lage.

(5) The trustees shall annually before the striking of the^{Statement} rate for the year by the council of the township, furnish to^{as to} the council a statement showing in detail the amount re-^{amount}quired to be levied for the current year for managing and^{required} maintaining the highway, park, garden or place of exhibi-^{for main-}tions, and the same shall be levied upon the land in the^{tenance of}village.^{parks, etc.}

(6) The assent of the electors to a by-law passed under^{Assent of} this section shall not be necessary. 3-4 Geo. V, c. 43, s. 519.^{electors not}
^{required.}

520.—(1) Where the village comprises parts of two or^{Trustees to} more townships a by-law for the purposes mentioned in sec-^{pass money}tions 516, 517 and 519 may be passed by the trustees, with^{by-laws} the assent of the electors of the village qualified to vote on^{where vil-} money by-laws; and for the purposes of such by-laws the^{lage situate} trustees shall have all the powers of the council of a village,^{in two or} except the power to issue the debentures for the payment of^{more town-} the principal and interest.^{ships.}

(2) The by-law shall fix the proportion of the debt, for^{Fixing pro-} payment of which the special rate is to be imposed, which^{portion of} is to be borne by the part of the village situate in each town-^{debt to be}ship, and such proportion shall be the same as that in which^{borne by} the annual sum to be levied as provided by section 509 is^{parts of} to be levied according to the then last determination of the^{village.} assessors or of the assessors and the inspecting trustee under section 510.

(3) If the by-law receives the assent of the electors, the^{Certified} trustees, after passing it, shall serve a certified copy of it^{copy for} upon the clerk of each of the townships.^{each town-}
^{ship.}

(4) The council of each township shall forthwith there-^{By-law of} after pass a by-law for raising the amount which is to be^{township} borne by that part of the village situate in the township by^{for raising} the issue of debentures of the corporation of the township,^{money.} payable as provided by the by-law of the trustees, and it shall not be necessary that such by-law shall receive the assent of the electors or impose any rate for the payment of the debentures.

(5) The special rates imposed by the by-law of the^{Special} trustees shall be levied and collected by the councils of the^{rates.} townships within which the property upon which they are imposed is situate. 3-4 Geo. V, c. 43, s. 520.

Appoint-
ment of
constable.

521.—(1) The trustees may appoint a constable for the village who shall have the same powers and perform the same duties within the village as a constable appointed by the council of a village.

Salary.

(2) The constable may be paid by salary or may keep for his own use the fees of his office as the trustees may determine.

When fees
of constable
to belong
to village.

(3) Where the constable is paid by salary the trustees may require that the fees of his office be paid to the treasurer of the township in which the village is situate or where the village comprises parts of two or more townships to the treasurer of any or either of them for the use of the village. 3-4 Geo. V, c. 43, s. 521.

Special Powers.

Special
powers of
trustees.

522.—(1) The trustees shall have the like power to pass by-laws as is conferred on the council of a village with respect to the matters under the following subheadings,—

S. 398, pars.
8, 9.

(a) Driving or riding on roads and bridges;

S. 398,
par. 17.

(b) Free libraries;

S. 398,
par. 37.

(c) Sidewalks—Vehicles on;

S. 399,
pars. 52-55.

(d) Pounds;

S. 399,
pars. 61, 62.

(e) Snow and Ice, removal of;

S. 400,
par. 44.

(f) Sidewalks—Horses and cattle upon;

S. 400,
par. 46.

(g) Spitting on sidewalks;

S. 400,
par. 49.

(h) Traffic on highways, etc., driving of cattle, etc.;

S. 419,
par. 2.

(i) Tobacconists;

S. 420,
par. 1.

(j) Bagatelle and billiard tables; and

S. 420,
par. 3.

(k) Exhibitions, places of amusement, etc.

Fixing
amount of
license fee.

(2) Where power is conferred to license, the license fee shall be fixed by the trustees, and subsections 1, 3, 4, and 5 of section 253 shall apply.

(3) While a by-law passed under the authority of sub-section 1 is in force, no by-law of the council of the township applicable to the same subject matter shall apply to or be in force in the village. 3-4 Geo. V, c. 43, s. 522.

523.—(1) Every by-law of the trustees shall be signed by at least two of them.

When by-law of township not to apply to village.
Authentica-
tion of
by-laws.

(2) A certified copy of every such by-law shall within seven days after it is passed be transmitted to the clerk of every township a part of which is comprised in the village.

Certified
copies to
be sent to
clerk of
township.

3-4 Geo. V, c. 43, s. 523.

Prevention of Fire.

524.—(1) Every proprietor of a house more than one storey high shall place and keep a ladder on the roof of such house near to or against the principal chimney thereof, and another ladder reaching from the ground to the roof of such house, under a penalty of \$1 for every omission; and a further penalty of \$2 for every week for which such omission continues.

For provid-
ing ladders,
etc.

Penalty.

(2) Every householder shall provide himself with two buckets fit for carrying water in case of accident by fire, under a penalty of \$1 for each bucket not so provided.

Fire
buckets.

Penalty.

(3) No person shall build any oven or furnace unless it adjoins and is properly connected with a chimney of stone or brick at least three feet higher than the house or building in which the oven or furnace is built, under a penalty not exceeding \$2 for non-compliance.

As to fur-
naces, etc.

Penalty.

(4) No person shall pass a stove-pipe through a wooden or lathed partition or floor, unless there is a space of four inches between the pipe and the wood-work nearest thereto; and the pipe of every stove shall be inserted into a chimney; and there shall be at least ten inches in the clear between any stove and any lathed partition or wood-work, under a penalty of \$2.

Stove pipes,
etc.

Penalty.

(5) No person shall enter a mill, barn, outhouse or stable, with a lighted candle or lamp, unless it is well enclosed in a lantern, nor with a lighted pipe or cigar, nor with fire not properly secured, under a penalty of \$1.

Lights in
stables, etc.

Penalty.

(6) No person shall light or have a fire in a wooden house or outhouse, unless such fire is in a brick or stone chimney, or in a stove of iron or other metal, properly secured, under a penalty of \$1.

Chimneys.

Penalty.

Securing
fire carried
through
streets, etc.

Penalty.

(7) No person shall carry fire or cause fire to be carried into or through any street, lane, yard, garden or other place, unless such fire is confined in a copper, iron or tin vessel, under a penalty of \$1 for the first offence, and of \$2 for every subsequent offence.

Lighting
fires on
streets.
Penalty.

(8) No person shall light a fire in a street, lane or public place under a penalty of \$1.

Hay, straw,
etc.

Penalty.

(9) No person shall place hay, straw or fodder, or cause the same to be placed, in a dwelling house, under a penalty of \$1 for the first offence, and of \$5 for every week the hay, straw or fodder is suffered to remain there.

Ashes, etc.

Penalty.

(10) No person, except a manufacturer of pot or pearl ashes, shall keep or deposit ashes or cinders in any wooden vessel, box or thing not lined or doubled with sheet-iron, tin or copper, so as to prevent danger of fire from such ashes or cinders, under a penalty of \$1.

Lime.

Penalty.

(11) No person shall place or deposit any quick or un-slacked lime in contact with any wood of a house, outhouse or other building, under a penalty of \$1, and a further penalty of \$2 a day until the lime has been removed, or is secured, so as to prevent any danger from fire, to the satisfaction of the inspecting trustee.

Charcoal
furnaces.
Penalty.

(12) No person shall erect a furnace for making charcoal of wood, under penalty of \$5. 3-4 Geo. V, c. 43, s. 524.

Gunpowder.

Gunpowder,
how to be
kept.
Penalty.

525.—(1) No person shall keep or have gunpowder for sale, except in boxes of copper, tin or lead, under a penalty of \$5 for the first offence, and \$10 for every subsequent offence.

Not to be
sold at
night.

(2) No person shall sell gunpowder, or permit gunpowder to be sold in his house, storehouse or shop, outhouse or other building, at night, under a penalty of \$10 for the first offence, and of \$20 for every subsequent offence. 3-4 Geo. V, c. 43, s. 525.

Nuisances.

Certain
nuisances
prohibited.

526. No person shall throw, or cause to be thrown, any filth or rubbish into a street, lane or public place, under a penalty of \$1, and a further penalty of \$2 for every week for which he neglects or refuses to remove the same after being notified to do so by the inspecting trustee or by some other person authorized by him. 3-4 Geo. V, c. 43, s. 526.

527.—(1) It shall be the duty of the trustees to see that the provisions of the next preceding three sections are not contravened, and that offenders are prosecuted for breaches of them. Trustees required to prosecute offenders.

(2) Any trustee who wilfully neglects or omits to prosecute an offender against any of the provisions of sections 524, 525 or 526, when requested so to do by a resident householder of the village who offers to adduce proof of the offence, and a trustee who wilfully neglects or omits to fulfil any other duty imposed on him by this Part, shall incur a penalty of \$5. Penalty for neglect to prosecute. 3-4 Geo. V, c. 43, s. 527.

528. The penalties imposed by or under the authority of this Part shall be recoverable under *The Ontario Summary Convictions Act*, all of the provisions of which shall apply except that proceedings for the recovery of penalties for contraventions of sections 524 to 527 shall be commenced within ten days after the commission of the offence, or if it is a continuing offence, within ten days after it has ceased and not afterwards. Penalties—how recoverable. Rev. Stat. c. 90. 3-4 Geo. V, c. 43, s. 528.

Incorporation of Trustees.

529.—(1) Where a police village has a population of not less than 500, the trustees may be created a body corporate and when incorporated the corporation shall be styled "The Board of Trustees of the Police Village of _____" Incorporation of Board of Trustees. (naming it).

(2) The provisions of this Part as to the erection of a Police Village shall apply *mutatis mutandis* to an application for the incorporation of the trustees of a police village with the exception that the petition for incorporation shall be signed by not less than 50 resident freeholders of the village whose names are entered on the last revised assessment rolls of the municipality or municipalities of parts of which the village is composed. Procedure as to incorporation of board. 3-4 Geo. V, c. 43, s. 529.

530.—(1) At its first meeting in each year the Board shall appoint one of its members to be the Chairman, and shall also appoint a secretary. Appointment of chairman and secretary.

(2) The chairman shall, if present, preside at all meetings of the Board and in his absence the Board shall appoint one of its members to act as Chairman during such absence. Presiding officer. 3-4 Geo. V, c. 43, s. 530.

Authentica-
tion of
by-laws.

531.—(1) The by-laws of the Board shall be signed by the Chairman or acting Chairman and shall be sealed with its seal.

(2) The provisions of this Act as to the proof of by-laws of a council shall apply to the by-laws of the Board. 3-4 Geo. V, c. 43, s. 531.

Repair and
main-
ten-
ance of im-
provements
and works.

532. The expenses of repairing and maintaining all works, improvements and services undertaken by the Board under the authority of this Act, shall be borne by the Board, and such expenses shall be levied and collected by the councils of the townships on the requisition in writing of the Board, in like manner as the money to be levied as provided by section 509. 3-4 Geo. V, c. 43, s. 532.

Remedy
over of town-
ship against
board for
damages
occasioned
by non-
repair.

533.—(1) If the Board makes default in maintaining and keeping in repair any such work, and the corporation of a township becomes liable under section 460 for damages suffered by or occasioned to any person in consequence of such default, the corporation shall be entitled to the remedy over against the Board provided for by section 464.

Special rate
for collec-
tion of
amount of
damages.

(2) The amount required to satisfy the liability of the Board shall be levied and collected by a special rate on the rateable property in the village, and it shall be the duty of the Board to make a requisition in writing to the council of the township to levy and collect the same.

Apportion-
ment of
special rate.

(3) Where the village comprises parts of two or more townships the special rate shall be apportioned between the townships in the manner provided by section 510, and shall be levied and collected by the councils thereof in accordance with the requisition of the Board. 3-4 Geo. V, c. 43, s. 533.

Power to
construct
water, light,
heat, power,
and gas
works.

534.—(1) The Board shall have the like powers as the council of a village for constructing, purchasing, improving, extending, maintaining, managing and conducting water, light, heat, power and gas works.

Copy of by-
law to be
filed with
township
clerk.

(2) A copy of every by-law passed under the authority of subsection 1, shall be filed with the clerk of every township in which any part of the village is situate.

Special
rates.

(3) Where the village is situate in one township, the council of that township shall levy and collect the amount required to be raised under any such by-law by a special annual rate upon the rateable property in the village, and where the village comprises parts of two or more townships, the coun-

cil of each township shall levy and collect the proportion of the amount to be raised by it by a special annual rate on the rateable property in that part of the village situate in such township.

(4) The proportion to be raised by each township shall be determined under the provisions of section 510. 3-4 Geo. V, c. 43, s. 534. Proportion of each township.

535.—(1) The powers expressly conferred on boards of trustees of police villages shall be in addition to the powers conferred by this Part on trustees of a Police Village, and except where other provision is made by this Part with respect to such boards all the provisions of this Part relating to trustees of police villages shall apply to such boards. Board to have all powers of trustees of a police village.

(2) Section 497, subsection 2 of section 498, and sections 499 and 500 shall apply *mutatis mutandis* to by-laws passed under the authority of this Part by a board of trustees of a police village. 3-4 Geo. V, c. 43, s. 535. Power to impose penalties, etc.

PART XXIV.

MISCELLANEOUS.

Forms of
notices, etc.
by-laws.

536. Where the Forms therefor are not prescribed by this Act the Municipal Board may approve of forms of by-laws, notices and other proceedings to be passed, given, or taken under or in carrying out the provisions of this Act, and every by-law, notice or other proceeding which is in substantial conformity with the Form so approved, shall not be open to objection on the ground that it is not in accordance with the provisions of this Act applicable thereto, but the use of such Forms shall not be obligatory. 3-4 Geo. V. c. 43, s. 536.

Repeal of
3 Edw. VII,
c. 19, s. 566.

537. The Lieutenant-Governor in Council may by proclamation declare that section 566 of *The Consolidated Municipal Act, 1903*, shall cease to have effect on and from a day to be named in such proclamation and on and from that day the section shall be deemed to be repealed.

FORM 1.

DECLARATION OF INCORPORATION.

TOWNSHIPS IN UNORGANIZED TERRITORY.

I, _____ Judge of the District
Court of the Provisional Judicial District of _____
hereby certify:

1. That the inhabitants of the township of _____
in the said district (or of that part of the said district described
as follows, (*describing it*) or of the townships of _____
and _____ in the said district
(as the case may be), are incorporated as a township municipality
(or as a union of townships municipality, as the case may be), by
the name of the Corporation of the township of _____
(or of the united townships of _____, as
the case may be).

2. That _____ was elected reeve
and _____
were elected councillors for the municipality.

3. The first meeting of the council shall be held on the
day of _____ at _____
Dated at _____ this _____ day of _____
_____, 19____

3-4 Geo. V. c. 43, Form 1.

FORM 2.

DECLARATION OF QUALIFICATION BY CANDIDATE.

I,—A. B. declare that

1. I am a householder residing in this municipality (or am rated on the last revised assessment roll for land held in my own right for an amount sufficient to entitle me to be entered on the voters list and that I reside in or within two miles of the municipality);
2. I am entered on the last revised voters list as qualified to vote at municipal elections;
3. I am a British subject and am not a citizen or a subject of any foreign country;
4. I am of the full age of twenty-one years;
5. I am not liable for any arrears of taxes to the corporation of this municipality.

Declared before me at
this
day of

19 }
10-11 Geo. V, c. 59, s. 2.

A. B.

FORM 3.

BALLOT PAPER FOR CITIES AND TOWNS.

FORM FOR MAYOR.

Election for the Mem- bers of the Municipal Council of the City of Ward No. , Polling Subdivision No. , day of January, 19	FOR MAYOR.	ALLAN. Charles Allan, of King Street, in the City of Toronto, Merchant.
		BROWN. William Brown, of the City of Toronto, Banker.

FORM FOR REEVE AND DEPUTY REEVE IN TOWNS.

Election for the Mem- bers of the Town of Ward No. , Polling Subdivision No. , day of January, 19	FOR DEPUTY- REEVE.	CLITHEROE. Albert Clitheroe, of the Town of Galt, Baker.
		HUGHES. David Hughes, of the Town of Galt, Tinsmith.
	FOR REEVE.	FARQUHARSON. Robin Farquharson, of the Town of Galt, Builder.
		MacPHERSON. Roderick MacPherson, of the Town of Galt, Printer.

MUNICIPAL INSTITUTIONS

FORM FOR ALDERMEN OR COUNCILLORS.

Election for the Members of
 the Municipal Council of
 the City of Ward
 No. Polling Sub-
 division No. day of January, 19
 FOR ALDERMAN (or)
 COUNCILLOR.

[Note:—In the case of cities and towns where the Aldermen or Councillors are elected by general vote the form above given is to be adapted to suit the case.]

3-4 Geo. V, c. 43, Form 3.

FORM 4.

BALLOT PAPER FOR VILLAGES.

<p>Election of Members of the In the County of day of January.</p>	<p>of , Polling Subdivision No.</p>	<p>FOR REEVE.</p>	<p>BROWN.</p> <p>John Brown, of the Village of Weston, Merchant.</p>
		<p>ROBINSON.</p> <p>George Robinson, of the Village of Weston, Physician.</p>	
		<p>BULL.</p> <p>John Bull, of the Village of Weston, Butcher.</p>	
		<p>JONES.</p> <p>Morgan Jones, of the Village of Weston, Grocer.</p>	
		<p>McALLISTER.</p> <p>Allister McAllister, of the Village of Weston, Tailor.</p>	
		<p>FOR COUNCILLORS.</p>	<p>O'CONNELL.</p> <p>Patrick O'Connell, of the Village of Weston, Milkman.</p>

3-4 Geo. V, c. 43, Form 4.

FORM 5.
BALLOT PAPER FOR TOWNSHIPS.

<div style="display: flex; align-items: center;"> <div style="width: 20px; height: 100%; border: 1px solid black; margin-right: 5px;"></div> <div style="width: 100%; height: 100%; border: 1px solid black; position: relative;"> <!-- Vertical lines of circles --> <div style="position: absolute; left: 0; top: 0; bottom: 0; width: 100%; height: 100%; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px);"></div> </div> </div>	Election of Members of the Municipal Council of the Township of In the County of	FOR REEVE.	<p align="center">ALLSOPP.</p> <p>Albert Allsopp, of the Township of York, Brewer.</p>
		FOR FIRST DEPUTY-REEVE.	<p align="center">BURTON.</p> <p>Henry Burton,* of the Township of York, Farmer.</p>
		FOR SECOND DEPUTY-REEVE.	<p align="center">BANKS.</p> <p>John Banks, of the Township of York, Blacksmith.</p>
		FOR THIRD DEPUTY-REEVE.	<p align="center">CALDWELL.</p> <p>Henry Caldwell, of the Township of York, Market Gardener.</p>
		FOR COUNCILLORS.	<p align="center">CONNOR.</p> <p>Patrick Connor, of the Township of York, Cattle Dealer.</p>
			<p align="center">DAVIDSON.</p> <p>Thomas Davidson, of the Township of York, Milkman.</p>
			<p align="center">EDWARDS.</p> <p>Daniel Edwards, of the Township of York, Miller.</p>
			<p align="center">FERGUSON.</p> <p>George Ferguson, of the Township of York, Nurseryman.</p>
			<p align="center">BRITTON.</p> <p>James Britton, of the Township of York, Farmer.</p>
		<p align="center">LLOYD.</p> <p>David Lloyd, of the Township of York, Farmer.</p>	
<p align="center">MACDONALD.</p> <p>Philip Macdonald, of the Township of York, Agent.</p>			
<p align="center">O'LEARY.</p> <p>Dennis O'Leary, of the Township of York, Farmer.</p>			

Note.—Where the election is to fill a vacancy, the ballot papers are to contain only so much of the form as is required; and the counterfoils shall bear, instead of the words appearing on the form, the words “Election of, to fill a vacancy in the office of Ward No., Polling subdivision No. . . , day of . . . , 19 . . .”

Where controllers, or commissioners, or members of the Board of Education are to be elected, the ballot papers are to be similar in form.

FORM 6.

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into one of the compartments, and with the pencil provided in the compartment, place a cross, thus X on the right hand side, opposite the name or names of the candidate or candidates for whom he votes or at any other place within the division which contains the name or names of such candidate or candidates.

The voter will fold up the ballot paper so as to show the name or initials of the Deputy Returning Officer (or Returning Officer, as the case may be) signed on the back, and leaving the compartment will, without showing the front of the paper to any person, deliver such ballot paper so folded to the Deputy Returning Officer (or Returning Officer, as the case may be) and forthwith quit the polling place.

If the voter inadvertently spoils a ballot paper, he may return it to the Deputy Returning Officer (or Returning Officer, as the case may be) who will if satisfied of such inadvertence, give him another ballot paper.

If the voter votes for more candidates for any office than he is entitled to vote for, his ballot paper will be void as far as relates to that office, and will not be counted for any of the candidates for that office.

If the voter places any mark on his ballot paper by which he may afterwards be identified, or if the ballot paper has been torn, defaced, or otherwise dealt with by the voter so that he can thereby be identified, it will be void, and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the Officer, he will be subject to imprisonment for any term not exceeding 6 months, with or without hard labor.

In the following forms of ballot paper, given for illustration, the candidates are, for Mayor, Jacob Thompson and Robert Walker; for Reeve, George Jones and John Smith; for Deputy Reeve, Thomas Brown and William Davis; for Councillors, John Bull, Morgan Jones, Allister McAllister and Patrick O'Connell; and the elector has marked the first ballot paper in favour of Jacob Thompson for Mayor, the second ballot paper in favour of George Jones for Reeve, the third ballot paper in favour of William Davis for Deputy Reeve, and the fourth ballot paper in favor of John Bull and Patrick O'Connell for Councillors.

	Election for the Members of the Municipal Council of the Ward No. day of Jan- uary, 19	FOR MAYOR.	<div style="text-align: center;"> THOMPSON. Jacob Thompson, of the Town of Barrie, Merchant. </div> <hr/> <div style="text-align: center;"> WALKER. Robert Walker, of the Town of Barrie, Physician. </div>
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Election for the Members of the Municipal Council of the Ward of No. day of Jan- uary, 19	FOR REEVE.	JONES George Jones, of the Town of Barrie, Barrister.	X
		SMITH John Smith, of the Town of Barrie, Banker.	

Election for the Members of the Municipal Council of the Ward of No. day of Jan- uary, 19	FOR DEPUTY REEVE	BROWN Thomas Brown, of the Town of Barrie, Grocer.	
		DAVIS William Davis, of the Town of Barrie, Jeweller.	X

Election for the Members of the Municipal Coun- cil of the Ward No. , Foll- ing Subdivision No. day of January, 19	FOR COUNCILLORS.	BULL John Bull, of the Town of Barrie, Butcher.	X
		JONES Morgan Jones, of the Town of Barrie, Grocer.	
		McALLISTER Allister McAllister, of the Town of Barrie, Tailor.	
		O'CONNELL Patrick O'Connell, of the Town of Barrie, Milkman.	X

FORM 8.

CERTIFICATE AS TO ASSESSMENT ROLL AND VOTERS' LIST.

Election to the Municipal Council of the
of 19

I, A. B., Clerk of the Municipality of in the
county of hereby certify that the assess-
ment roll for this municipality upon which the voters' list to be
used at this election is based was finally revised on the
day of 19, and that the last day for making
complaint to the Judge with respect to the list was the
day of 19

Dated this day of 19

A. B.,

[Seal.]

Clerk.

3-4 Geo. V, c. 43, Form 8.

FORM 9.

OATH TO BE ADMINISTERED TO A VOTER.

You swear (a)

1. That you are the person named or intended to be named by
the name of in the list (or
supplementary list) of voters (b) now shown to you.

2. That you are a natural born (or naturalized) subject of His
Majesty, and of the full age of twenty-one years.

3. That you are not a Citizen or subject of any foreign country.

[NOTE—Paragraph 4 repealed by 8 Geo. V. c. 32, s. 15.]

5. That (c)

6. (In the case of a municipality not divided into wards) That
you have not voted before at this election at this or any other
polling place.

7. (Where the municipality is divided into wards and the election
is not by general vote) That you have not voted before at this
election at this or any other polling place in this ward, (or if the
election is by general vote) that you reside in this polling sub-
division (or are not entitled to vote in the polling subdivision
in which you reside or are not resident within the municipality,
as the case may be), and that you have not voted before or else-
where at this election, and will not vote elsewhere at this election
(d).

8. That you have not directly or indirectly received any reward
or gift, nor do you expect to receive any, for the vote which you
tender.

9. That you have not received anything, nor has anything been
promised you, directly or indirectly, either to induce you to vote
at this election, or for loss of time, travelling expenses, hire of
team, or any other service connected with this election.

the by-law at this or any other polling place in this ward; (or in the case of any other by-law): 7. That you reside in this polling subdivision or are not entitled to vote in the polling subdivision in which you reside, or are not resident within the municipality (as the case may be), and that you have not voted before elsewhere, and will not vote elsewhere on the by-law.

(Where the voter or his wife is a leaseholder, and the voting is on a by-law for creating a debt, add the following paragraph):

11. That the lease under which you hold (or your wife holds) extends for the period for which the debt or liability to be created by the by-law is to run, and you have (or your wife has) contracted by the lease to pay all municipal taxes in respect of the land other than special assessments for local improvements.

Where the voting is on a by-law substitute for the words "at this election" the words "on the by-law"; and where the voting is on a question, substitute for the words "at this election" the words "on the question."

3-4 Geo. V, c. 43, Form 9.

8 Geo. V, c. 32, s. 15.

NOTE.—Where the voter is the nominee of a corporation the oath shall state the fact, and that the voter has not voted before on the by-law "at this or any other polling place," adding if the municipality is divided into wards "in this ward," and shall also contain paragraphs 1, 8, 9 and 10.

FORM 10.

DECLARATION OF INABILITY TO READ.

I, A. B., of _____, being numbered _____ on the voters' list for polling subdivision No. _____, in the City (or as the case may be) of _____, being a legally qualified elector for the City (or, as the case may be) of _____ declare that I am unable to read (or that I am from physical incapacity unable to mark a ballot paper, or that I object on religious grounds to mark a ballot paper, as the case may be).

(A. B., His ☒ Mark.)

Dated this _____ day of _____, 19 _____.

3-4 Geo. V, c. 43, Form 10.

NOTE.—If the person objects on religious grounds to mark a ballot paper, the declaration may be made orally and to the above effect.

FORM 11.

CERTIFICATE TO BE WRITTEN UPON OR ANNEXED TO THE DECLARATION OF INABILITY TO READ.

I, C. D., Deputy Returning Officer for polling subdivision No. _____ for the City (or as the case may be) of _____, hereby certify that the above (or within) declaration, having been first read to the above (or within) named A. B., was signed by him in my presence with his mark.

C. D.

Dated this _____ day of _____, 19 _____.

3-4 Geo. V, c. 43, Form 11.

FORM 12.

OATH OF POLL CLERK OR MESSENGER WHERE THE DEPUTY RETURNING OFFICER IS UNABLE TO DELIVER THE BALLOT BOX TO THE RETURNING OFFICER.

I, _____, swear that I am the person to whom
Deputy Returning Officer for Polling Subdivision
No. _____, of the _____ of _____
entrusted the ballot box for the said polling subdivision to be
delivered to the Clerk; that the ballot box which I delivered to
the Clerk this day is the ballot box I so received; that I have not
opened it and that it has not been opened by any other person
since I received it from the Deputy Returning Officer.

Sworn before me at
this
day of _____ 19 .

}

3-4 Geo. V, c. 43, Form 12.

FORM 13.

OATH OF DEPUTY RETURNING OFFICER AFTER CLOSING OF THE POLL.

I, A. B., Deputy Returning Officer for Polling Subdivision No. _____, of the City (or, as the case may be) of _____ in the County of _____, swear that, to the best of my knowledge and belief, the poll book kept for the said polling place under my direction has been kept correctly, that the total number of votes polled according to the said poll book is _____, and that it contains a true and exact record of the votes given at the said polling place, as the said votes were taken thereat; that I have correctly counted the votes given for each candidate, in the manner by law provided, and performed all duties required of me by law, and that the statement, voters' list, poll book, packets containing ballot papers, and other documents required by law to be returned by me to the Clerk, have been faithfully and truly prepared and placed in the ballot box, and are contained in the ballot box returned by me to the Clerk, which was locked and sealed by me, in accordance with the provisions of *The Municipal Act*, and remained so locked and sealed while in my possession.

Sworn before me at
in the County of _____
this _____ day of _____, 19 .

}

A. B.

3-4 Geo. V, c. 43, Form 13.

FORM 14.

OATH OF SECRECY.

I, A. B., swear that I will not at this election disclose to any person the name of any person who has voted, and that I will not in any way unlawfully attempt to ascertain the candidate or candidates for whom any elector shall vote or has voted, and will not in any way aid in the unlawful discovery of the same; and that

I will keep secret all knowledge which may come to me of the person for whom any elector has voted.

Sworn before me this }
day of 19 . }

A. B.

C. D.,

J.P., or as the case may be.

3-4 Geo. V, c. 43, Form 14.

NOTE.—When the voting is on a by-law or question the form is to be adapted to that case.

FORM 15.

CERTIFICATE OF CLERK AS TO ELECTION OF REEVES AND DEPUTY REEVES.

I, A. B., of Clerk of the Corporation of the town (township or village, as the case may be) of in the County of do hereby, under my hand and the seal of the said Corporation, certify that C. D., of Esquire (or as the case may be), was duly elected reeve (or first deputy reeve, or second deputy reeve, or third deputy reeve, as the case may be) of the said town (township or village, as the case may be), and has made and subscribed the declaration of office and qualification as such reeve (or first deputy reeve, or second deputy reeve, or third deputy reeve, as the case may be). A. B.

3-4 Geo. V, c. 43, Form 15.

FORM 16.

DECLARATION OF OFFICE.

I, A. B., do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (insert name of office, or in the case of a person who has been appointed to two or more offices which he may lawfully hold at the same time), that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the offices to which I have been elected (or appointed) in this municipality, and that I have not received, and I will not receive, any payment or reward, or promise thereof, for the exercise of any partiality or malversation or other undue execution of the said office (or offices), and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the said corporation (where declaration is made by the clerk, treasurer, collector, engineer, clerk of works or street overseer, add the words following) save and except that arising out of my office as clerk (or my office as assessor or collector, as the case may be).

3-4 Geo. V, c. 43, Form 16.

FORM 17.

DECLARATION OF ELECTION OFFICERS.

I, A. B., do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*) in this municipality, and that I have not received, and will not receive, any payment or reward, or promise thereof, for the exercise of any partiality or malversation or other undue execution of the said office.

3-4 Geo. V, c. 43, Form 17.

FORM 18.

DECLARATION OF AUDITOR.

I, A. B., having been appointed auditor for the municipal corporation of _____, promise and declare that I will faithfully perform the duties of that office according to the best of my judgment and ability; and I do solemnly declare that I had not, directly or indirectly, any share or interest in any contract or employment (except that of auditor, *if reappointed*) with, by or on behalf of such municipal corporation during the year preceding my appointment, and that I have not any such contract or employment except that of auditor, for the present year.

A. B.

3-4 Geo. V, c. 43, Form 18.

FORM 19.

I, the undersigned, A. B., declare that I am an elector in this municipality, and that I am desirous of promoting (*or opposing, as the case may be*) the passing of the by-law to (*here insert object of the by-law*), submitted by the Council of this municipality (*or of voting in the affirmative, or in the negative, as the case may be*), on the question submitted.

Declared before me this
day of _____ 19 .

A. B.

3-4 Geo. V, c. 43, Form 19.

BALLOT PAPER FOR VOTING ON A BY-LAW.

	Voting on By-law to <i>(here insert object of the by-law)</i> submitted by the Council of the	FOR The By-law.
		AGAINST The By-law.

7 Geo. V, c. 42, s. 25.

BALLOT PAPER FOR VOTING ON QUESTION.

[illegible]

3-4 Geo. V, c. 43, Form 21.

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into one of the compartments, and with the pencil provided in the compartment, place a cross (thus **X**) on the right hand side, in the upper space if he votes for the passing of the by-law, or in the affirmative on the question, and in the lower space if he votes against the passing of the by-law, or in the negative on the question.

The voter will then fold up the ballot paper so as to show the name or initials of the Deputy Returning Officer (or Returning Officer, *as the case may be*) signed on the back, and leaving the compartment will, without showing the front of the paper to any person, deliver such ballot so folded to the Deputy Returning Officer (or Returning Officer *as the case may be*) and forthwith quit the polling place.

If the voter inadvertently spoils a ballot paper, he may return it to the Deputy Returning Officer (or Returning Officer *as the case may be*), who will, if satisfied of such inadvertence, give him another ballot paper.

If the voter places on the paper more than one mark, or places any mark on his ballot paper by which he may be afterwards identified, or if the ballot paper has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified, it will be void, and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the Deputy Returning Officer (or Returning Officer, *as the case may be*) he will be subject to imprisonment for any term not exceeding six months, with or without hard labour.

In the following form of Ballot Paper, given for illustration, the Elector has marked his ballot paper in favour of the passing of the By-law:

	19 Voting on By-law to (here insert object of the by-law) submitted by the Council of the	<table border="1"> <tr> <td data-bbox="695 899 1078 1067"> <p style="text-align: right;">FOR X</p> <p style="text-align: center;">The By-law.</p> </td> </tr> <tr> <td data-bbox="695 1073 1078 1218"> <p style="text-align: right;">AGAINST</p> <p style="text-align: center;">The By-law.</p> </td> </tr> </table>	<p style="text-align: right;">FOR X</p> <p style="text-align: center;">The By-law.</p>	<p style="text-align: right;">AGAINST</p> <p style="text-align: center;">The By-law.</p>
<p style="text-align: right;">FOR X</p> <p style="text-align: center;">The By-law.</p>				
<p style="text-align: right;">AGAINST</p> <p style="text-align: center;">The By-law.</p>				

3-4 Geo. V, c. 43, Form 22.

7 Geo. V, c. 42, s. 25.

FORM 23.

NOTICE ON PROMULGATION OF BY-LAW.

The above is a true copy of a by-law passed by the municipal council of the _____ of _____ on the _____ day of _____, 19____

And all persons are hereby required to take notice that anyone desirous of applying to have such by-law, or any part thereof, quashed, must make his application for that purpose to the Supreme Court of Ontario, within three months next after the first publication of this notice in the newspaper called the _____, or he will be too late to be heard in that behalf.

3-4 Geo. V, c. 43, Form 23.

7 Geo. V, c. 42, s. 26.

FORM 24.

NOTICE OF REGISTRATION OF BY-LAW.

Notice is hereby given that a by-law was passed by the
 of on the day of
 19 , providing for the issue of debentures to the amount of
 \$, for the purpose of , and that such by-law was
 registered in the registry office of the county
 of on the day of
 19 . Any motion to quash or set aside the same or any part
 thereof must be made within three months after the first
 publication of this notice, and cannot be made thereafter.

Dated the day of 19 .

Clerk.

3-4 Geo. V, c. 43, Form 24.

FORM 25.

CHIEF ENGINEER'S CERTIFICATE.

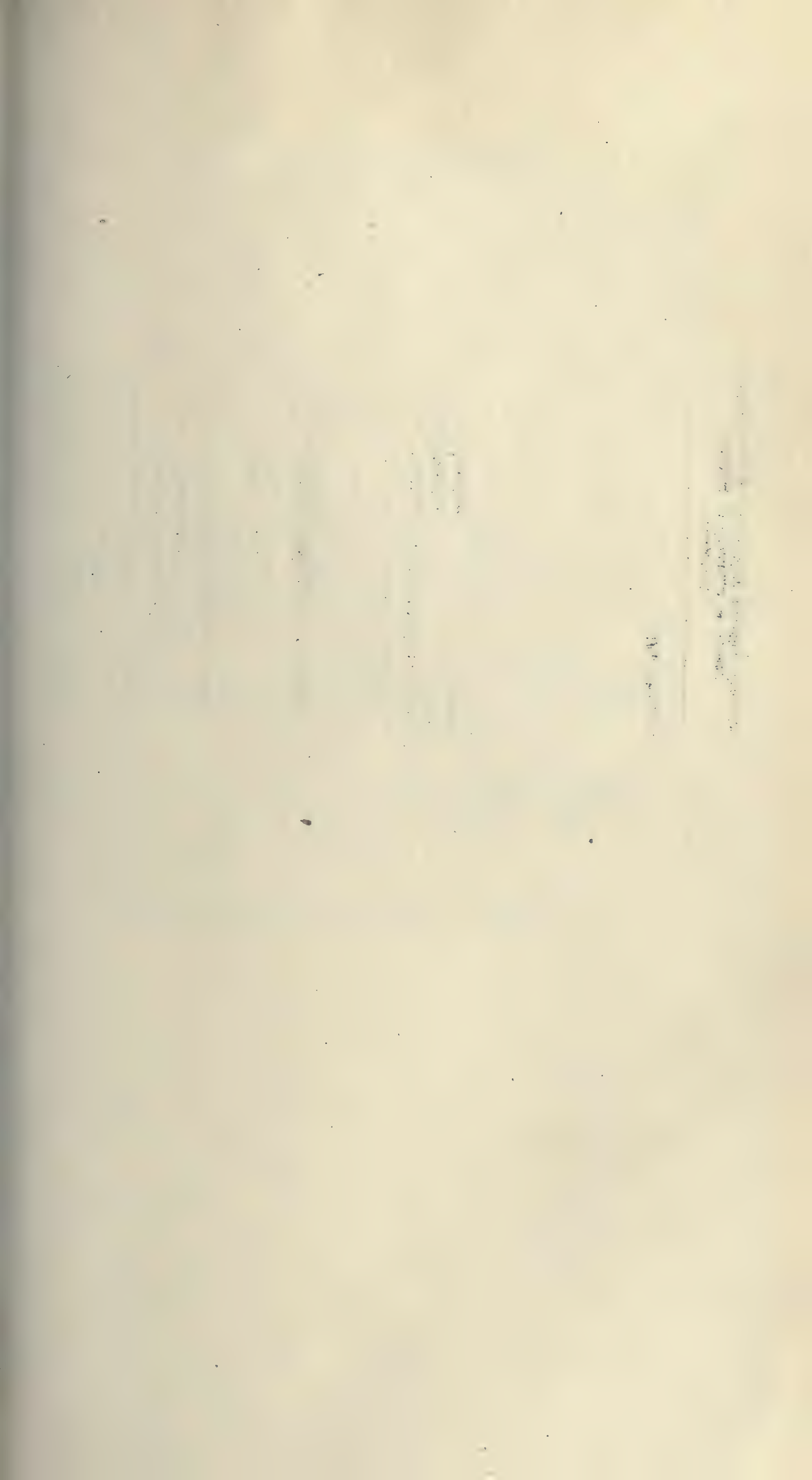
To the Trustees of the Railway Company
 Municipal Trust Account.

I, Chief Engineer of the
 Railway Company, do hereby certify that the company has fulfilled
 the terms and conditions necessary to be fulfilled under by-law
 number of the municipal council of the ,
 of , passed the day of
 19 , providing for the issue of debentures to the amount of
 entitle the company to receive from the trustees the sum of

Dated the day of 19 .

Chief Engineer.

3-4 Geo. V, c. 43, Form 25.



No. 55.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

The Consolidated Municipal Act, 1922.

1st Reading,	17th February, 1922.
2nd Reading,	1922.
3rd Reading,	1922.

MR. NIXON.

TORONTO:

PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty

No. 56.

1922.

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. (1) Section 398 of *The Municipal Act* is amended by adding the following paragraph 31 b ;

Rev. Stat.
c. 192, s. 398
amended.

Ontario Safety League.

31b For making contributions towards the expenses incurred by the Ontario Safety League in carrying out the purposes for which it was organized.

Grants to
Ontario Safety
League.

(2) All contributions heretofore made for such purposes are confirmed and declared to be legal, valid and binding.

3rd. Session, 15th. Legislature,
12 George V, 1922.

BILL.

An Act to amend The Municipal Act.

1st Reading,	February 17th, 1922.
2nd Reading,	1922.
3rd Reading,	1922.

MR. BROWN.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

No. 57.

1922.

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 269 of *The Municipal Act* is repealed and the following substituted therefor:—

Rev. Stat. c.
192, s. 269,
repealed.

269. An elector shall be entitled to vote once only on any by-law or question submitted and where he is qualified to vote in more than one ward or polling subdivision he shall vote only in that in which he resides if qualified to vote there, or if not qualified to vote there or if he is not a resident of the municipality, he may elect at which of such wards or polling subdivisions he will vote and shall vote there only.

Where
ratepayers
qualified in
more than
one ward.

No. 57.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act to amend The Municipal Act.

1st Reading, February 21, 1922.
2nd Reading, 1922.
3rd Reading, 1922.

MR. HOMUTH.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

No. 58.

1922.

BILL

An Act to amend The Railway Employees'
Voting Act, 1918.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. This Act may be cited as *The Railway Employees' Voting Amendment Act, 1922.* Short title.

2. Section 3 of *The Railway Employees' Voting Act, 1918*, is amended by inserting the words "and commercial travellers" after the word "employees" in the first line thereof. 8 Geo. V, c. 33 s. 3 amended.

3. Subsection 1 of section 8 of *The Railway Employees' Voting Act, 1918*, is amended by inserting the words, "or wholesale house" after the words "railway company" in the seventh line thereof. 8 Geo. V, c. 33, s. 8 (1). amended.

No. 58.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act to amend the Railway Employees'
Voting Act, 1918.

1st Reading, February 21, 1922.
2nd Reading, 1922.
3rd Reading, 1922.

MR. STEVENSON.

TORONTO:
PRINTED BY A. T. WIGBESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to repeal The Privy Councils Appeals Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Privy Council Appeals Act, 1922.* Short title.

2. *The Privy Council Appeals Act*, being Chapter 54 of the Revised Statutes of Ontario is repealed. Rev. Stat. c. 54 repealed.

3. Section 9 of *The Constitutional Questions Act* is repealed. Rev. Stat. c. 85, s. 9 repealed.

4. Subsection 6 of section 48 of *The Ontario Railway and Municipal Board Act* is repealed. Rev. Stat. c. 186, s. 48 (6) repealed.

5. Nothing in this Act contained shall apply to or take effect as to any judgment, decision or order heretofore rendered, given or made so as to affect or prevent an appeal from any such judgment, decision or order to His Majesty in His Privy Council in any case in which notice of such appeal has been given before the date of the commencement of this Act, and every such appeal shall be taken and proceeded with, heard and determined as if this Act had not been passed. Saving as to action in which notice of appeal already given.

6. This Act shall come into force and take effect on the first day of July, 1922. Commencement of Act.

No. 59.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act to Abolish Appeals to His
Majesty in His Privy Council.

1st Reading, 21st February, 1922.
2nd Reading, 1922.
3rd Reading, 1922.

MR. RANNEY.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to confirm and carry out a certain agreement entered into on behalf of the Attorney General of Ontario and the Shevlin-Clarke Lumber Company Limited.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Shevlin-Clarke Agreement Act, 1922.* Short title.

2. The agreement entered into on the 29th day of September, 1921, between N. W. Rowell of Counsel for the Attorney General of Ontario and Glyn Osler of Counsel for the Shevlin-Clarke Lumber Company, Limited, in an action brought by the Attorney General of Ontario against the Shevlin-Clarke Lumber Company Limited, and which agreement is set out in Schedule "A" to this Act, is confirmed and declared to be binding upon the parties to the said action. Agreement confirmed.

3. The agreement and license of the 30th day of August, 1919, referred to in the said agreement set out in Schedule "A", which said agreement and license relate to the cutting and sale of pine timber on berths 45 and 49 of the Quetico Park Reserve, are confirmed and declared to be binding upon His Majesty the King in right of the Province and the Shevlin-Clarke Lumber Company Limited to all intents and purposes, but subject to the modifications and conditions contained in paragraph 3 of the said agreement set out in Schedule "A" to this Act. Agreement and license binding on Crown and company.

4. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

SCHEDULE "A"

Attorney General vs. Shevlin-Clarke.

1. IT IS AGREED that the question of the validity of the agreement and license of the 30th day of August, 1919, between the Crown Lands Department and the Shevlin-Clarke Lumber Company, Limited, for the sale and cutting of pine timber on Berths 45 and 49 of the Quetico Park Reserve and the question as to the claim of the Crown to re-open the account in connection with the payment for such of the timber upon the said berths as has already been cut and paid for, shall be determined by the Court, either in the present action or in another action to be brought for the purpose at the option of the Attorney General.

2. Should the Court determine that the said agreement and license were validly made and issued and are binding upon the Crown the license will be renewed from time to time as in the agreement provided and the Defendant Company shall carry out the said agreement in accordance with the terms thereof.

3. Should the Court determine that such agreement and license were not validly made and issued and are not binding upon the Crown, the Government agrees to take such action as may be necessary to validate the said agreement and license, subject to the following modifications:

The Defendant Company shall pay for all timber not heretofore paid for and heretofore or hereafter cut or agreed to be cut upon the said berths in lieu of the price mentioned in the said license, the fair value of such timber to be fixed as at the date of such license, viz.—August 30th, 1919, said value to be determined by the Court in the said action, and the Defendant Company and the Crown shall in all other respects carry out the terms of the said agreement. If the Court shall determine that the Crown has the right to re-open the account in connection with the payment for timber already cut upon the said berths and paid for, the said timber so cut shall be paid for upon the same basis as the timber to be hereafter cut as aforesaid.

Toronto, 29th September, 1921.

"N. W. Rowell"
of Counsel for the Attorney General.

"Glyn Osler"
of Counsel for the Shevlin-Clarke
Company, Limited.

"E. L. Carpenter."

No. 60.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act to confirm and carry out a
certain Agreement entered into on
behalf of the Attorney General
of Ontario and the Shervlin-
Clarke Lumber Company
Limited.

1st Reading, 21st February, 1922.
2nd Reading, 1922.
3rd Reading, 1922.

MR. RANNEY.

TORONTO:
PRINTED BY CLARKESON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting Automobile Insurance.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as *The Automobile Insurance Act, 1922.* Short title.

2. Paragraph 5a of section 2 of *The Ontario Insurance Act* is hereby repealed and the following paragraphs are substituted therefor : Interpretation.

5a. "Automobile" shall include all self-propelled vehicles, their trailers, accessories and equipment, but not the rolling stock of a railway corporation as defined by *The Ontario Railway Act*. "Automobile."

5b. "Automobile Insurance" shall mean insurance against liability for loss or damage to persons or property caused by an automobile or the operation thereof, and insurance against damage sustained by or the loss of an automobile. "Automobile insurance."

3. *The Ontario Insurance Act* is amended by adding the following sections, immediately after section 198a :—

198b. Sections 198b to 198m shall apply to automobile insurance and to any insurer carrying on the business of automobile insurance in Ontario. Application.

198c. No contract shall be made for a term exceeding three years, but any contract may be renewed by the delivery of a renewal receipt or a new premium note. Term of contract.

198d.—(1) Subject to the provisions of subsection 4, an insurer shall not effect a contract of automobile insurance unless such insurer has received an application therefor in Written application.

writing signed by the insured, or by his agent, authorized in writing signed by the insured.

Copy thereof.

- (2) A copy of the application shall be attached to and form part of the policy when issued by such insurer.

Contents of application.

- (3) The application shall contain the information concerning the contract referred to in Statutory Condition No. 1, and such further information as the insurer may require.

Temporary insurance.

- (4) An insurer may, without a written application, effect a contract of insurance for a period not exceeding fourteen days and may issue an interim receipt or temporary binder in respect thereof.

Notice to applicant on written application.

- (5) Upon every written application there shall be printed or stamped in conspicuous type, not less in size than ten point and in red ink the following words:

"If the applicant misrepresents or conceals any fact or circumstance required by this application to be made known, the contract of insurance shall be void as to the property or risk undertaken in respect of which the misrepresentations or omission is made."

Contents of policy.

- 198e. Every policy shall contain the name of the insurer, the name of the insured, the name of the person or persons to whom the insurance money is payable, if other than the insured, the premium for the insurance, the perils or risks insured against, the indemnity for which the insurer may become liable, the event on the happening of which such liability is to accrue, and the term of the insurance.

Limitation of risk.

- 198f. The contract may provide for the exclusion, from the risks insured against, of losses arising from any hazard or class of hazard expressly stated in the policy.

Statutory conditions.

- 198g. The conditions set forth in this section shall, subject to the provisions of sections 198h and 198i, be deemed to be part of every contract of automobile insurance

in force in Ontario, and the said conditions shall be printed on every policy under the heading "Automobile Statutory Conditions."

Automobile Statutory Conditions.

1. The insured's occupation or business, the description of the automobile insured, including its trade name, type of body, model year, motive power and carrying capacity, its age, whether purchased new or second-hand, its purchase price to the insured, whether fully paid for or otherwise, particulars of any mortgage, lien or other encumbrance, the uses to which it is and will principally be put, the place where it is and will be principally maintained and garaged, the locality where it is and will be principally used, the particulars of any accident in which an automobile owned or operated by the insured has been involved, the particulars of any claims made against the insured in respect of the ownership or operation of any automobile, whether any insurer has cancelled any automobile policy of the insured or refused to issue automobile insurance to the insured, are representations of facts material to the contract and shall be stated in the written application. Material facts.
2. If any person applying for insurance falsely describes the property to the prejudice of the insurer or misrepresents or conceals or omits to communicate any circumstance which is required by the terms of the written application to be made known to the insurer, the contract shall be void as to the property or risk undertaken in respect to which the misrepresentation or omission is made. Misrepresentation.
3. Any change material to the risk, and within the control and knowledge of the insured, shall void the policy as to the part affected thereby, unless the change is promptly notified in writing to the insurer or its local agent; and the insurer when so notified may return the unearned portion, if any, of the premium paid and cancel the Material change in risk.

policy, or may notify the insured in writing that, if he desires the policy to continue in force, he must, within fifteen days of the receipt of the notice pay to the insurer an additional premium, and in default of such payment the policy shall no longer be in force and the insurer shall return the unearned portion, if any, of the premium paid.

Form of
contract.

4. After a written application for insurance, it shall be deemed that any policy sent to the insured is intended to be in accordance with the terms of the application, unless the insurer points out in writing the particulars wherein it differs from the application, in which case the insured may, within one week from the receipt of the notification, reject the policy.

Risks not
covered.

5. The insurer shall not be liable under this policy :

- (a) If, with the knowledge, consent or connivance of the insured the automobile at the time of the loss, damage or accident is being used for any illegal purpose.
- (b) While the automobile with the knowledge, consent or connivance of the insured is being driven by a person under the age limit fixed by law, or, in any event, under the age of sixteen years, or by an intoxicated person.

Risks not
covered except
by permission.

- 6.—(1) Unless otherwise specifically stated in the policy, or endorsed thereon, the insurer shall not be liable:—

- (a) For loss or damage caused by earthquake, invasion, insurrection, riot, civil commotion, military or usurped power.
- (b) If the interest of the insured in the automobile is other than unconditional and sole ownership.

- (c) If the automobile is or becomes encumbered by any lien or mortgage.
 - (d) If there is any change in the nature of the insurable interest of the insured in the automobile, by sale, assignment or otherwise, except through change of title by succession, or by death, or by an authorized assignment under *The Bankruptcy Act*.
 - (e) If at the time a loss, damage or accident occurs there is any other insurance, of the same interest, whether valid or not, covering said loss or damage, or any portion thereof, which would have been in force if this insurance had not been effected.
- (2) If permission has been given for other insurance under paragraph (e) of this condition, the insurer will be liable only for his rateable proportion of such loss or damage.
7. The insurer shall be permitted at all reasonable times to inspect the automobile and its equipment. Inspection.
- 8.—(1) Upon the occurrence of an accident involving bodily injuries or death, or damage to property of others, the insured shall give immediate written notice thereof to the insurer, with the fullest information obtainable at the time. The insured shall give like notice, with full particulars of any claim made on account of such accident, and every writ, letter, document or advice received by the insured from or on behalf of any claimant shall be immediately forwarded to the insurer. Accidents to the persons and property of others.
- (2) The insured shall not voluntarily assume any liability or settle any claim except at the insured's own cost. The insured shall not interfere in any negotiations for settlement or in any legal pro-

ceeding, but, whenever requested by the insurer, shall aid in securing information and evidence and the attendance of any witnesses, and shall co-operate with the insurer, except in a pecuniary way, in all matters which the insurer deems necessary in the defence of any action or proceeding or in the prosecution of any appeal.

(3) No action to recover the amount of a claim under this policy shall lie against the insurer unless the foregoing requirements are complied with and such action is brought after the amount of the loss had been ascertained either by a judgment against the insured after trial of the issue or by agreement between the parties with the written consent of the insurer and no such action shall lie in either event unless brought within one year thereafter.

Loss or damage to the automobile.

9.—(1) Upon the occurrence of any loss of or damage to the insured automobile, the insured shall, if such loss or damage is covered by this policy;

(a) Forthwith give notice thereof, in writing, to the insurer, with fullest information obtainable at the time, and shall, at the expense of the insurer, and as far as reasonably possible, protect the automobile from further loss or damage, and any such further loss or damage accruing directly or indirectly from a failure to protect shall not be recoverable hereunder. No repairs shall be undertaken or any physical evidence of the loss or damage removed without the written consent of the insurer, except such repairs as are immediately necessary for the protection of the automobile from further loss or damage;

- (b) Deliver to the insurer within ninety days of the date of the loss or damage a statutory declaration stating the place, time and cause of the loss or damage, so far as the insured knows or believes, the interest of the insured and of all others in the automobile, the sound value thereof, the amount of loss or damage thereto, all encumbrances thereon, and all other insurance, whether valid or not, covering the automobile and that the loss or damage did not occur through any wilful act or neglect, procurement, means or connivance of the insured:
- (2) After any loss or damage to an insured automobile, the insurer shall have right of access to and examination of such automobile by accredited agents of the insurer sufficient to enable such agents to ascertain the amount of the damage sustained.
- (3) The insured shall submit to examination under oath, and shall produce for examination, at such reasonable place as is designated by the insurer or its representative, all books of account, bills, invoices and other vouchers, in his possession or control which relate to the matters in question, and shall permit extracts and copies thereof to be made.
- (4) The insurer shall not be liable beyond the actual cash value of the automobile at the time any loss or damage occurs, and the loss or damage shall be ascertained or estimated according to such actual cash value with proper deduction for depreciation, however caused, and shall in no event exceed what it would cost to repair the automobile or replace any part thereof with material of like kind and quality; provided, that in the event of any part of the automobile being obsolete and out of stock the liability of the insurer in respect thereof shall be limited to the value of such part at the time of loss or damage not exceeding the maker's last list price;

the ascertainment or estimate of such loss or damage shall be made by the insured and the insurer, or if they disagree, then by appraisers, as hereunder provided.

- (5) The insurer, instead of making payment, may within a reasonable time repair, rebuild or replace the property damaged or lost with other of like kind and quality, giving written notice of its intention so to do within fifteen days after receipt of the proofs of loss; but there can be no abandonment of the automobile to the insurer without its consent. In the event of the insurer exercising such option, the salvage, if any, shall revert to it.
- (6) In the event of disagreement as to the nature and extent of the repairs and replacements required, or as to their adequacy, if effected, or as to the amount payable in respect of any loss or damage, such questions shall be determined by appraisers before recovery can be had hereunder, whether the right to recover on the policy is disputed or not and independently of all other questions. The insured and the insurer shall each select one appraiser, and the two so chosen shall then select a disinterested umpire. Thereafter the two appraisers together shall estimate or appraise the loss or damage, stating separately sound value and damage, or determine the adequacy of such repairs or replacements, and failing to agree, shall submit their differences to the umpire.
- (7) In case either party fails to name an appraiser within seven clear days after being served with written notice so to do, or in case the appraisers fail to agree upon an umpire within fifteen days after their appointment, or in case an appraiser or umpire refuses to act or is incapable of acting, or dies, a judge of a superior, county or district court having jurisdiction in the county or district in which the appraisal is to be made may appoint such appraiser or umpire on the application of the insured or of the insurer.

- (8) An award in writing of the two appraisers, or of one appraiser and the umpire, shall determine the nature and extent or adequacy of the repairs and replacements, or the amount of such loss or damage.
- (9) Each party shall pay the appraiser selected by him, and shall bear equally the other expenses of the appraisal and of the umpire.
- (10) Neither the insurer or the insured shall be deemed to have waived any provision or condition of this policy by any act relating to the appraisal, or to the delivery and completion of proofs of loss, or to the investigation or adjustment of the claim.
- (11) The sum for which the insurer is liable hereunder for loss or damage shall be payable within sixty days after the proof of loss herein required has been received by the insurer, but if appraisal is demanded, then within fifteen days after the award has been made by the appraisers. No suit or action however, may be brought for the recovery of any claim unless the insured has complied with the foregoing requirements, nor unless such action is commenced within one year after the happening of the loss.

Fraud

- 10. Any fraud or wilfully false statement made under oath or in a declaration in relation to any of the above particulars shall vitiate the claim of the person making the declaration.

**Subro-
gation.**

- 11. The insurer on paying the loss shall be subrogated to the extent of such payment to all right of recovery against any third party, and on such payment, or on assuming liability therefor may require from the insured a transfer of his rights against such third party, and the insured shall execute all documents properly required by the insurer to secure to it such rights.

Cancellation.

- 12.—(1) This policy may be cancelled at any time at the request of the insured, and the insurer shall, upon surrender of the policy, refund the excess of paid premium above the customary short rate premium for the time the policy has been in force.
- (2) This policy may be cancelled at any time by the insurer giving to the insured fifteen days' notice in writing of cancellation by registered mail, or five days' notice of cancellation personally delivered, and refunding the excess of paid premium beyond the *pro rata* premium for the expired time. Repayment of excess premiums may be made by money, post office order, postal note or cheque. Such repayment shall accompany the notice, and in such case, the fifteen days above mentioned shall commence to run from the day following the receipt of the registered letter at the post office to which it is addressed.

Waiver.

13. No condition or provision of this policy, either in whole or in part, shall be deemed to have been waived or altered by the insurer unless the waiver is clearly expressed in writing signed by the manager of the insurer or its chief agent for Canada or this Province.

Notice.

14. Any written notice to the insurer may be delivered at or sent by registered post to the chief agency or head office of the insurer in this Province. Written notice may be given to the insured by letter personally delivered to him or by registered letter addressed to him at his last post office address, notified to the insurer, or, where no address is notified and the address is not known, addressed to him at the post office of the agency, if any, from which the application was received.

Conditions
8 and 9 may
be omitted in
certain cases.

- 198h.—(1) If the policy does not insure against accident to persons or damage to property of others than the insured, condition number 8 may be omitted from the policy.

11.

- (2) If the policy does not insure against loss or damage to the insured automobile, condition number 9 may be omitted from the policy.
- (3) If a condition is omitted pursuant to this section there shall be inserted, after the Condition number, the following words, within brackets, "[*This Condition is not applicable to this policy and is omitted pursuant to statute*]."

198i.—(1) If an insurer desires to vary, omit or add to the automobile statutory conditions or any of them, except as provided in the preceding section, there shall be printed in conspicuous type, not less in size than ten point, and in red ink, immediately after such conditions, the proposed variations or additions or a reference to the omissions with these introductory words:

"Variations in Conditions.

"This policy is issued on the above statutory conditions with the following variations, omissions and additions, which are, by virtue of *The Ontario Insurance Act*, in force so far only as they shall be held to be just and reasonable to be exacted by the insurer."

- (2) No variation, omission or addition shall be binding on the insured unless the foregoing provisions of this section have been complied with; and any variation, omission or addition shall be so binding only in so far as it is held by the court before which a question relating thereto is tried to be just and reasonable.
- (3) Where permission is given in the statutory conditions for extension of the insurance to additional risks or coverage by the use, in the statutory conditions, of the words "unless otherwise specifically stated in the policy" or words to the like effect, such extension expressly made in the policy shall not be deemed to be a variation of the statutory conditions within the meaning of this section.

Variations
in conditions.

Variation to
be just and
reasonable.

Extension of
cover not a
variation.

Use of
red ink.

198j. No red ink shall be used on the face of a policy except the name of the insurer, his emblem and policy number and for the purposes mentioned in this Act.

Relief from
forfeiture.

198k. In any case where there has been imperfect compliance with a statutory condition as to the proof of loss to be given by the insured, or as to any matter or thing to be done or omitted by the insured after the maturity of the contract, and a consequent forfeiture or avoidance of the insurance, in whole or in part, and the court deems it inequitable that the insurance should be forfeited or avoided on that ground, the court may relieve against the forfeiture or avoidance on such terms as it may deem just.

Partial
payment
of Loss
Clause.

198l.—(1) A policy may contain a partial payment of loss clause to the effect that the insurer in the event of loss shall pay only an agreed proportion of any loss which may be sustained or the amount of the loss after deduction of a sum specified in the policy, in either case not exceeding the amount of the insurance, in which case there shall be printed or stamped upon the face of the policy in conspicuous type in red ink, the words: "This policy contains a partial payment of loss clause."

Clause not to
be deemed
an addition
or variation.

(2) Such partial payment of loss clause shall not be deemed an addition to the statutory conditions or be subject to the provisions of section 198i.

Prohibition
of action
before
award of
appraisers.

198m. Where by the statutory conditions of an automobile insurance policy the holding of an appraisal is provided for in the event of a dispute as to the amount of the loss under the policy, no action shall be brought to recover the amount secured by the policy if the amount of the loss is in dispute, until the award of the appraisers has been rendered in accordance therewith, and in any such action the award of the appraisers shall be conclusive as to the amount of the loss.

Commence-
ment of Act.

4. This Act shall come into force on a day to be named by the Lieutenant-Governor in Council in his proclamation.

No. 61.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting
Automobile Insurance.

1st Reading, 21st February, 1922.	
2nd Reading, 1922.	
3rd Reading, 1922.	

MR. RANNEY.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting Automobile Insurance.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as *The Automobile Insurance Act, 1922*. Short title.

2. Paragraph 5a of section 2 of *The Ontario Insurance Act* is hereby repealed and the following paragraphs are substituted therefor : Interpretation.

5a. "Automobile" shall include all self-propelled vehicles, their trailers, accessories and equipment, but not the rolling stock of a railway corporation as defined by *The Ontario Railway Act*. "Automobile."

5b. "Automobile Insurance" shall mean insurance against liability for loss or damage to persons or property caused by an automobile or the operation thereof, and insurance against damage sustained by an automobile or the loss of an automobile. "Automobile insurance."

3. *The Ontario Insurance Act* is amended by adding the following sections, immediately after section 198a :—

198b. Sections 198b to 198m shall apply to automobile insurance and to any insurer carrying on the business of automobile insurance in Ontario. Application.

198c. No contract shall be made for a term exceeding three years, but any contract may be renewed by the delivery of a renewal receipt or a new premium note. Term of contract.

198d.—(1) Subject to the provisions of subsection 4, an insurer shall not effect a contract of automobile insurance unless such insurer has received an application therefor in Written application.

writing signed by the insured, or by his agent, authorized in writing signed by the insured.

Copy
thereof.

- (2) A copy of the application shall be attached to and form part of the policy when issued by such insurer.

Contents of
application.

- (3) The application shall set forth the insured's occupation or business, the description of the automobile insured, its purchase price to the insured, whether fully paid for or otherwise, whether purchased new or second-hand, particulars of any mortgage, lien or other encumbrance, the uses to which it is and will principally be put, the place where it is and will be principally maintained and garaged, the locality where it is and will be principally used, the fact of any accident in which an automobile owned or operated by the insured has been involved, the particulars of any claims made against and by the insured in respect of the ownership or operation of any automobile, whether any insurer has cancelled any automobile policy of the insured, or refused to issue automobile insurance to the insured and such further information as the insurer may require.

Temporary
insurance.

- (4) An insurer may, without a written application, effect a contract of insurance for a period not exceeding fourteen days and may issue an interim receipt or temporary binder in respect thereof.

Notice to
applicant on
written
application.

- (5) Upon every written application there shall be printed or stamped in conspicuous type, not less in size than ten point and in red ink the following words:



"If the applicant *knowingly* misrepresents or conceals any fact or circumstance required by this application to be made known, the contract of insurance shall be void as to the property or risk undertaken in respect of which the misrepresentations or omission is made."

198e. Every policy shall contain the name *and* Contents of policy.
address of the insurer, the name *and*
address of the insured, the name of
 the person or persons to whom the
 insurance money is payable, if other than
 the insured, the premium for the insurance,
 the perils or risks insured against, the in-
 demnity for which the insurer may become
 liable, the event on the happening of which
 such liability is to accrue, and the term
 of the insurance.

198f. The contract may provide for the exclu- Limitation of risk.
 sion, from the risks insured against, of
 losses arising from any hazard or class of
 hazard expressly stated in the policy.

198g. The conditions set forth in this section Statutory conditions.
 shall, subject to the provisions of sections
 198h and 198i, be deemed to be part
 of every contract of automobile insurance
 in force in Ontario, and the said conditions
 shall be printed on every policy under the
 heading "Automobile Statutory Condi-
 tions."

Automobile Statutory Conditions.

 1. All statements made by the insured Material facts.
 upon the application for this policy shall,
 in the absence of fraud, be deemed repre-
 sentations and not warranties, and no such
 statement shall be used in defence of a
 claim under this policy unless it is con-
 tained in the written application for the
 policy and unless a copy of the applica-
 tion, or such part thereof as is material
 to the contract, is endorsed upon or at-
 tached to the policy when issued. 

2. If any person applying for insurance falsely Misrepresentation.
describes the property to the prejudice of
 the insurer or *knowingly* misrepresents
 or conceals or omits to communicate
 any circumstance which is required by the
 terms of the written application to be made
 known to the insurer, the contract shall
 be void as to the property or risk under-
 taken in respect to which the misrepre-
 sentation or omission is made.

Material
change in
risk.

3. Any change material to the risk, and within the control and knowledge of the insured, shall void the policy as to the part affected thereby, unless the change is promptly notified in writing to the insurer or its local agent; and the insurer when so notified may return the unearned portion, if any, of the premium paid and cancel the policy, or may notify the insured in writing that, if he desires the policy to continue in force, he must, within fifteen days of the receipt of the notice pay to the insurer an additional premium, and in default of such payment the policy shall no longer be in force and the insurer shall return the unearned portion, if any, of the premium paid.

Form of
contract.

4. After a written application for insurance, it shall be deemed that any policy sent to the insured is intended to be in accordance with the terms of the application, unless the insurer points out *by registered letter addressed to the insured* the particulars wherein it differs from the application, in which case the insured may, within one week from the receipt of the notification, reject the policy.

Risks not
covered.

5. The insurer shall not be liable under this policy while the automobile, with the knowledge, consent or connivance of the insured is being driven by a person under the age limit fixed by law, or, in any event, under the age of 16 years, or by an intoxicated person.

Risks not
covered except
by permission.

6.—(1) Unless otherwise specifically stated in the policy, or endorsed thereon, the insurer shall not be liable:—

(a) For loss or damage caused by earthquake, invasion, insurrection, riot, civil commotion, military or usurped power.

(b) If the interest of the insured in the automobile is other than unconditional and sole ownership.

- (c) If the automobile is or becomes encumbered by any lien or mortgage.
 - (d) If there is any *material change* in the nature of the insurable interest of the insured in the automobile, by sale, assignment or otherwise, except through change of title by succession, or by death, or by an authorized assignment under *The Bankruptcy Act*.
 - (e) If at the time a loss, damage or accident occurs there is any other insurance, of the same interest, whether valid or not, covering said loss or damage, or any portion thereof, which would have been in force if this insurance had not been effected.
- (2) If permission has been given for other insurance under paragraph (e) of this condition, the insurer will be liable only for his rateable proportion of such loss or damage.
7. The insurer shall be permitted at all reasonable times to inspect the automobile and its equipment. Inspection.
- 8.—(1) Upon the occurrence of an accident involving bodily injuries or death, or damage to property of others, the insured shall *promptly* give written notice thereof to the insurer, with the fullest information obtainable at the time. The insured shall give like notice, with full particulars of any claim made on account of such accident, and every writ, letter, document or advice received by the insured from or on behalf of any claimant shall be immediately forwarded to the insurer. Accidents to the persons and property of others.
- (2) The insured shall not voluntarily assume any liability or settle any claim except at the insured's own cost. The insured shall not interfere in any negotiations for settlement or in any legal pro-

ceeding, but, whenever requested by the insurer, shall aid in securing information and evidence and the attendance of any witnesses, and shall co-operate with the insurer, except in a pecuniary way, in all matters which the insurer deems necessary in the defence of any action or proceeding or in the prosecution of any appeal.

(3) No action to recover the amount of a claim under this policy shall lie against the insurer unless the foregoing requirements are complied with and such action is brought after the amount of the loss had been ascertained either by a judgment against the insured after trial of the issue or by agreement between the parties with the written consent of the insurer and no such action shall lie in either event unless brought within one year thereafter.

Loss or damage to the automobile.

9.—(1) Upon the occurrence of any loss or damage to the insured automobile, the insured shall, if such loss or damage is covered by this policy;

(a) Forthwith give notice thereof, in writing, to the insurer, with fullest information obtainable at the time, and shall, at the expense of the insurer, and as far as reasonably possible, protect the automobile from further loss or damage, and any such further loss or damage accruing directly or indirectly from a failure to protect shall not be recoverable hereunder. No repairs shall be undertaken or any physical evidence of the loss or damage removed without the written consent of the insurer, except such repairs as are immediately necessary for the protection of the automobile from further loss or damage; or until the insurer has had a reasonable time to make the examination provided for in subsection 2 of this condition.

- (b) Deliver to the insurer within ninety days of the date of the loss or damage a statutory declaration stating the place, time and cause of the loss or damage, so far as the insured knows or believes, the interest of the insured and of all others in the automobile, the sound value thereof, the amount of loss or damage thereto, all encumbrances thereon, and all other insurance, whether valid or not, covering the automobile and that the loss or damage did not occur through any wilful act or neglect, procurement, means or connivance of the insured;
- (2) After any loss or damage to an insured automobile, the insurer shall have right of access to and examination of such automobile by accredited agents of the insurer sufficient to enable such agents to ascertain the amount of the damage sustained.
- (3) The insured shall submit to examination under oath, and shall produce for examination, at such reasonable place as is designated by the insurer or its representative, all books of account, bills, invoices and other vouchers, in his possession or control which relate to the matters in question, and shall permit extracts and copies thereof to be made.
- (4) The insurer shall not be liable beyond the actual cash value of the automobile at the time any loss or damage occurs, and the loss or damage shall be ascertained or estimated according to such actual cash value with proper deduction for depreciation, however caused, and shall in no event exceed what it would cost to repair *or replace* the automobile or any part thereof may within a reasonable time repair, re-with material of like kind and quality: provided, that in the event of any part of the automobile being obsolete and out of stock the liability of the insurer in respect thereof shall be limited to the value of such part at the time of loss or damage not exceeding the maker's last list price;

the ascertainment or estimate of such loss or damage shall be made by the insured and the insurer, or if they disagree, then by appraisers, as hereunder provided.

- (5) *Except where an appraisal has been had*, the insurer, instead of making payment, may within a reasonable time repair, rebuild or replace the property damaged or lost with other of like kind and quality, giving written notice of its intention so to do within *seven days after receipt of the proofs of loss*; but there can be no abandonment of the automobile to the insurer without its consent. In the event of the insurer exercising such option, the salvage, if any, shall revert to it.
- (6) In the event of disagreement as to the nature and extent of the repairs and replacements required, or as to their adequacy, if effected, or as to the amount payable in respect of any loss or damage, such questions shall be determined by appraisers before recovery can be had hereunder, whether the right to recover on the policy is disputed or not and independently of all other questions. The insured and the insurer shall each select one appraiser, and the two so chosen shall then select a disinterested umpire. Thereafter the two appraisers together shall estimate or appraise the loss or damage, stating separately sound value and damage, or determine the adequacy of such repairs or replacements, and failing to agree, shall submit their differences to the umpire.
- (7) In case either party fails to name an appraiser within seven clear days after being served with written notice so to do, or in case the appraisers fail to agree upon an umpire within fifteen days after their appointment, or in case an appraiser or umpire refuses to act or is incapable of acting, or dies, a judge of a superior, county or district court having jurisdiction in the county or district in which the appraisal is to be made may appoint such appraiser or umpire on the application of the insured or of the insurer.

- (8) An award in writing of the two appraisers, or of one appraiser and the umpire, shall determine the nature and extent or adequacy of the repairs and replacements, or the amount of such loss or damage.
 - (9) Each party shall pay the appraiser selected by him, and shall bear equally the other expenses of the appraisal and of the umpire.
 - (10) Neither the insurer or the insured shall be deemed to have waived any provision or condition of this policy by any act relating to the appraisal, or to the delivery and completion of proofs of loss, or to the investigation or adjustment of the claim.
 - (11) The sum for which the insurer is liable hereunder for loss or damage shall be payable within sixty days after the proof of loss herein required has been received by the insurer, but if appraisal is demanded, then within fifteen days after the award has been made by the appraisers. No suit or action however, may be brought for the recovery of any claim unless the insured has complied with the foregoing requirements, nor unless such action is commenced within one year after the happening of the loss.
10. Notice of claim may be given and proofs of claim may be made by the agent of the insured, in case of the absence of the insured or in case of inability of the insured to give the notice or make the proof, such absence or inability being satisfactorily accounted for, or in the like case or if the insured refuses to do so by a person to whom any part of the insurance money is payable. Who may give notice and proofs of claim.
11. Any fraud or wilfully false statement made under oath or in a declaration in relation to any of the above particulars shall vitiate the claim of the person making the declaration *in any matter affected by such fraud or false statement.* Fraud

Subro-
gation

12. The insurer on paying the loss shall be subrogated to the extent of such payment to all right of recovery against any third party, and on such payment, or on assuming liability therefor may require from the insured a transfer of his rights against such third party, and the insured shall execute all documents properly required by the insurer to secure to it such rights.

Cancellation.

- 13.—(1) This policy may be cancelled at any time at the request of the insured, and the insurer shall, upon surrender of the policy, refund the excess of paid premium above the customary short rate premium for the time the policy has been in force.

- (2) This policy may be cancelled at any time by the insurer giving to the insured fifteen days' notice in writing of cancellation by registered mail, or five days' notice of cancellation personally delivered, and refunding the excess of paid premium beyond the *pro rata* premium for the expired time. Repayment of excess premiums may be made by money, post office order, postal note or cheque. Such repayment shall accompany the notice, and in such case, the fifteen days above mentioned shall commence to run from the day following the receipt of the registered letter at the post office to which it is addressed.

Waiver.

14. No condition or provision of this policy, either in whole or in part, shall be deemed to have been waived or altered by the insurer unless the waiver is clearly expressed in writing signed by the manager of the insurer or its chief agent for Canada or this Province.

Notice.

15. Any written notice to the insurer may be delivered at or sent by registered post to the chief agency or head office of the insurer in this Province. Written notice may be given to the insured by letter personally delivered to him or by registered letter addressed to him at his last post office address, notified to the insurer, or, where no address is notified and the address is

11.

not known, addressed to him at the post office of the agency, if any, from which the application was received.

198h.—(1) If the policy does not insure against accident to persons or damage to property of others than the insured, condition number 8 may be omitted from the policy. (Conditions 8 and 9 may be omitted in certain cases.)

(2) If the policy does not insure against loss or damage to the insured automobile, condition number 9 may be omitted from the policy.

(3) If a condition is omitted pursuant to this section there shall be inserted, after the Condition number, the following words, within brackets, “[*This Condition is not applicable to this policy and is omitted pursuant to statute*].”

198i.—(1) If an insurer desires to vary, omit or add to the automobile statutory conditions or any of them, except as provided in the preceding section, there shall be printed in conspicuous type, not less in size than ten point, and in red ink, immediately after such conditions, the proposed variations or additions or a reference to the omissions with these introductory words: Variations in conditions.

“Variations in Conditions.

“This policy is issued on the above statutory conditions with the following variations, omissions and additions, which are, by virtue of *The Ontario Insurance Act*, in force so far only as they shall be held to be just and reasonable to be exacted by the insurer.”

(2) No variation, omission or addition shall be binding on the insured unless the foregoing provisions of this section have been complied with; and any variation, omission or addition shall be so binding only in so far as it is held by the court before which a question relating thereto is tried to be just and reasonable. Variation to be just and reasonable.

Extension of
cover not a
variation.

- (3) Where permission is given in the statutory conditions for extension of the insurance to additional risks or coverage by the use, in the statutory conditions, of the words "unless otherwise specifically stated in the policy" or words to the like effect, such extension expressly made in the policy shall not be deemed to be a variation of the statutory conditions within the meaning of this section.

Use of
red ink.

- 198j. No red ink shall be used on the face of a policy except the name of the insurer, his emblem and policy number and for the purposes mentioned in this Act.

Relief from
forfeiture.

- 198k. In any case where there has been imperfect compliance with a statutory condition as to the proof of loss to be given by the insured, or as to any matter or thing to be done or omitted by the insured after the maturity of the contract, and a consequent forfeiture or avoidance of the insurance, in whole or in part, and the court deems it inequitable that the insurance should be forfeited or avoided on that ground, the court may relieve against the forfeiture or avoidance on such terms as it may deem just.

Partial
payment
of Loss
Clause.

- 198l.—(1) A policy may contain a partial payment of loss clause to the effect that the insurer in the event of loss shall pay only an agreed proportion of any loss which may be sustained or the amount of the loss after deduction of a sum specified in the policy, in either case not exceeding the amount of the insurance, in which case there shall be printed or stamped upon the face of the policy in conspicuous type in red ink, the words: "This policy contains a partial payment of loss clause."

Clause not to
be deemed
an addition
or variation.

- (2) Such partial payment of loss clause shall not be deemed an addition to the statutory conditions or be subject to the provisions of section 198i.

Prohibition
of action
before

- 198m. Where by the statutory conditions of an automobile insurance policy the holding

of an appraisal is provided for in the event of a dispute as to the amount of the loss or the adequacy of the repairs under the policy, no action shall be brought to recover the amount secured by the policy if the amount of the loss or the adequacy of the repairs is in dispute, until the award of the appraisers has been rendered in accordance therewith, and in any such action the award of the appraisers shall be conclusive as to the amount of the loss, or the adequacy of the repairs.

4. This Act shall come into force on the first of January 1923.

Commence-
ment of Act.

No. 61.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting
Automobile Insurance.

1st Reading, 21st February, 1922.
2nd Reading, 6th March, 1922.
3rd Reading, 1922.

(*Reprinted.*)

MR. PANET.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting Accident and Sickness Insurance.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Accident and Sickness Insurance Act, 1922*. Short title.

2. Section 172 of *The Ontario Insurance Act*, is repealed. Rev. Stat. c. 183, s. 172 repealed.

3. Section 2 of *The Ontario Insurance Act* is amended by adding the following as paragraph (1a); Rev. Stat. c. 183, s. 2 amended.

(1a) "Accident Insurance" shall mean insurance against loss arising from accident to the person of the insured. Accident Insurance.

4. Section 2 of *The Ontario Insurance Act* is amended by adding the following paragraph (51a); Rev. Stat. c. 183, s. 2 amended.

(51a) "Sickness Insurance" shall mean insurance other than Life insurance against loss through sickness or disability of the insured not arising from accident or old age. "Sickness Insurance."

5. *The Ontario Insurance Act* is amended by adding thereto after section 190 the following sections: Rev. Stat. c. 183 amended.

ACCIDENT AND SICKNESS INSURANCE.

190a.—(1) Sections 190a to 190h inclusive shall apply to accident and sickness insurance and to an insurer undertaking accident and sickness insurance in the Province but shall not apply to any fraternal society or to its contracts. Application of following sections.

What rights
may be in-
sured against.

(2) Every insurer licensed for the transaction of accident or sickness insurance may, within the limits and subject to the restrictions prescribed by the license, insure or re-insure any person against accident, sickness or disability, total or partial, so long as the contingency insured against does not happen by design of the insured.

What accident
includes.

190b. In every contract of accident insurance, the event insured against shall include any bodily injury occasioned by external force or agency, and happening without the direct intent of the person injured, or as the indirect result of his intentional act, such act not amounting to voluntary or negligent exposure to unnecessary danger, and no term, condition, stipulation, warranty or proviso of the contract, varying the obligation or liability of the insurer shall, as against the insured, have any force or validity, but the contract may provide for the exclusion from the risks insured against of accidents arising from any hazard or class of hazard expressly stated in the policy.

Statutory
conditions.

190c. The conditions set forth in this section shall be deemed, subject to the provisions of sections 190d, 190e, and 190f, to be part of every contract of accident and of sickness insurance in force in Ontario, and shall be printed on every policy under the heading "Statutory Conditions."

STATUTORY CONDITIONS.

Entire con-
tract included
in policy.

1. This policy, including the endorsements and attached papers, if any, contains the entire contract of insurance except as it may be modified by the insurer's classification of risks and premium rates as provided by Condition 3.

Statements of
the insured.

2. All statements made by the insured upon the application for this policy shall, in the absence of fraud, be deemed representations and not warranties, and no such statement shall be used in defense of a claim under this policy unless it is contained in the written application for the policy and unless a copy of the application, or such part thereof as is material to the contract, is endorsed upon or attached to the policy when issued.

Limited li-
ability where
insured en-
gaged in more
hazardous
occupation.

3. If a *bodily injury or any sickness* insured against happens to the insured while engaged temporarily or permanently in an occupation classified as more hazardous than that stated herein to be the occupation of the insured, the liability under this policy shall be limited to such amount as the premium paid would have purchased for the more hazardous occupation according to the limits classification of risks, and premium rates of the insurer last filed with

the Superintendent of Insurance; provided that the performance of ordinary duties about his residence or while engaged in recreation shall not be regarded as a change of occupation by the insured.

4. If the insured shall, at any time, change his occupation either temporarily or permanently to an occupation classified by the insurer as less hazardous than that stated in the policy to be the occupation of the insured, the insurer shall upon written request of the insured and surrender of this policy, issue a policy for the unexpired term at the lower rate of premium applicable to such less hazardous occupation, and the insurer shall return to the insured the amount by which the unearned premium on the original policy exceeds the premium charge at such lower rate for the unexpired term.

Rebate of premium where insured adopts less hazardous occupation.

5. Unless otherwise specifically stated in this policy, the insurer is not liable for any loss occasioned by sickness contracted by the insured within fifteen days from noon standard time of the day on which the policy comes into force.

Insurer not liable for sickness within first 15 days.

6. If the *accident or sickness* benefits for loss of time secured hereunder together with the *accident or sickness* benefits payable under other contracts of insurance upon the person of the insured, make up an aggregate indemnity in excess of the money value of the time of the insured, the insurer shall be liable only for such proportion of the benefits stated in this policy as the money value of the time of the insured bears to the aggregate of the benefits payable under all such contracts on the person of the insured, and the excess premium, if any, paid by the insured shall be returned to him by the insurer.

Limited liability where aggregate benefits exceed money value of the time of the insured.

7. Any written notice to the insurer may be delivered at or sent by registered post to the chief agency or head office of the insurer in the Province or delivered or sent to any authorized agent of the insurer therein.

Notice to insurer.

8. Any written notice may be given to the insured by letter personally delivered to him or by registered letter addressed to him at his last post office address notified to the insurer, or where not notified and the address is not known, addressed to him at the agency, if any, at which the application was received.

Notice to insured.

9. The insurance may be terminated by the insurer at any time by giving to the insured ten days' notice of cancellation by registered mail or five days' notice of cancellation personally delivered to the insured and refunding in either case the excess of paid premium beyond the *pro rata* premium for the expired time.

Termination by insurer.

10. The insurance may be terminated by the insured at any time by giving written notice of termination to the insurer in which case the insurer shall, upon surrender of this policy refund the excess of paid premium beyond the customary short rate for the expired time.

Repayment
of excess
premium.

11. In the case of termination of the insurance by the insurer, repayment of the excess premium may be made in money, by post office order, postal note or cheque, payable at par certified by a chartered bank doing business in the Province: If the notice is given by registered letter, such repayment shall accompany the notice and in such case the ten days mentioned in Condition 9 shall commence to run from the day following the receipt of a registered letter at the post office to which it is addressed.

12. Any person entitled to make a claim under this policy shall:

Notice of
claim.

(a) Give notice of claim in writing to the insurer not later than thirty days *from the date of the accident or from the date of the commencement of disability from sickness*; provided that failure to give notice shall not invalidate the claim if it is shown that it was not reasonably possible to give such notice within such time, and that notice was given as soon as was reasonably possible.

Proof of
claim.

(b) Furnish to the insurer such proof of claim as is reasonably possible in the circumstances of the happening of the *accident or sickness* and the loss occasioned thereby, *within ninety days after the happening of the accident, or, in the case of sickness, within ninety days after the date of termination of the period of disability from sickness for which the insurer is liable.*

Medical
certificate.

(c) If so required by the insurer, furnish a certificate from a licensed medical practitioner as to the cause and nature of the *accident or sickness* for which the claim is made and as to duration of the disability caused thereby.

13. The insurer shall, upon receiving notice of *accident or sickness*, furnish to the claimant such forms as are usually furnished by them for proofs of claim, and if such forms are not so furnished within fifteen days after receipt of such notice, the claimant shall be deemed to have complied with the requirements of the policy as to proof of claim, if he submits within the time fixed in this policy, for filing such proofs, written proof of the happening and character of the *accident or sickness* and of the extent of the loss for which the claim was made.

Insurer to furnish proof of claim.

14. The insurer shall have the right, and the claimant shall afford to the insurer an opportunity, to examine the person of the insured when and as often as it may reasonably require while the claim hereunder is pending and also in the case of death of the insured to make an autopsy subject to any law of the Province relating to autopsies.

Right of examination including right to make an autopsy.

15. Any claim made under this policy by a claimant other than the beneficiary named in the policy, shall be subject to the proof of interest of the claimant.

Claimant other than beneficiary must prove interest.

16. Notice of claim may be given and proofs of claim may be made by the agent of the insured, or of the beneficiary, in case of the absence of the insured or beneficiary or in case of inability of the insured or the beneficiary to give the notice or make the proof, such absence or inability being satisfactorily accounted for, or in the like case or if the insured refuses to do so, by a person to whom any part of the insurance money is payable.

Who may give notice and proofs of claim.

17. All moneys payable under this policy for loss other than that of time on account of disability shall be paid within 60 days after the receipt of proofs of claim.

When moneys other than for disability payable.

18. The indemnity for loss of time on account of disability shall be paid within thirty days after proof of claim and as long as the insurer remains liable for the disability at the expiration of every succeeding sixty days, provided that the insurer may, in case the disability continues, require proof thereof for each such period of sixty days, which proof shall be furnished within ninety days after the termination of each period in respect of which the claim is made.

When indemnity on account of disability payable.

19. Subject to the laws of the Province in which this contract is made, the insured may, without the consent of the beneficiary assign the policy and may, from time to time, change the beneficiary or revoke the benefits thereof, or make it entirely payable to himself or to his estate, provided

Right of insured to assign policy; preferred beneficiary.

that if the beneficiary is a preferred beneficiary under the statutes of the Province in which the contract is made, the rights of the insured and the beneficiaries hereunder shall be subject to such statutes.

Waiver.

20. The insurer shall not be deemed to have waived any condition of this policy either in whole or in part, unless the waiver is clearly expressed in writing, signed by the insurer.

Limitation
of actions.

21. Any action or proceeding against the insurer for the recovery of any claim under this policy shall be commenced within one year after the cause of action arose.

Certain con-
ditions to be
omitted from
policy in
special cases.

190d.—(1) If the policy does not insure against accident, the words of Conditions numbers 3, 6, 12 and 13 relating to accident and printed in italics may be omitted from the policy.

(2) If the policy does not insure against sickness, Condition No. 5, and also the words of Conditions 3, 6, 12 and 13 relating to sickness and printed in italics may be omitted from the policy.

(3) If the policy provides that the contract may not be terminated by the insurer at any time, the Conditions numbered 9, 10 and 11 may be omitted from the policy.

(4) If a condition is omitted pursuant to this section, there shall be inserted after the condition number the following words within brackets ("This condition is not applicable to this policy and is omitted pursuant to statute").

Accident
ticket policy
conditions
need not be
printed.

190e. Where a policy of accident insurance is issued in the form of a ticket through the agency of a railway corporation the statutory conditions set out in Section 190c of this Act need not be printed on the ticket if such policy contains the following notice printed in conspicuous type: "This policy is issued subject to the statutory conditions respecting contracts of accident insurance contained in Section 190c, of *The Ontario Insurance Act*."

Variations
in conditions.

190f.—(1) If an insurer desires to vary, omit, or add to the statutory conditions or any of them except as provided in Sections 190d and 190e, there shall be printed in conspicuous type not less in size than ten point, and in red ink, immediately after such conditions, the proposed variations or additions or a reference to the omissions, with these introductory words: "This policy is issued on the above statutory conditions with the following variations, omissions and additions which are, by virtue of *The Ontario Insurance Act*, in force so far only as they shall be held to be just and reasonable to be exacted by the insurer."

7.

(2) No variation, omission or addition except as provided in Sections 190*d* and 190*e* shall be binding upon the insured unless the foregoing provisions of this section have been complied with, and any variation, omission or addition shall be so binding only in so far as it is held by the court before which a question relating thereto is tried, to be just and reasonable. ^{Effect of variations.}

190*g*. No red ink shall be used on the face of a policy except the name of the insurer, its emblem and policy number, and for the purposes mentioned in this Act. ^{Use of red ink.}

190*h*. In any case where there has been imperfect compliance with a statutory condition as to the proof of loss to be given by the insured or as to any matter or thing to be done or omitted by the insured after the maturity of the contract, and a consequent forfeiture or avoidance of the insurance in whole or in part, and the court deems it inequitable that the insurance should be forfeited or avoided on that ground, the court may relieve against the forfeiture or avoidance on such terms as it may deem just. ^{Relief from forfeiture.}

6. This Act shall come into force on a day to be named by the Lieutenant-Governor-in-Council by his proclamation. ^{Commencement of Act.}

No. 62.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting Accident and
Sickness Insurance.

1st Reading,	21st February, 1922.
2nd Reading,	1922.
3rd Reading,	1922.

MR. RANNEY.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting Reciprocal or Inter-Insurance.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Reciprocal Insurance Act, 1922.* Short title.

2. In this Act, unless the context otherwise requires Interpretation.

(a) "Attorney" shall mean a person authorized to act for subscribers as provided in section 5; "Attorney."

(b) "Exchange" or "Reciprocal or Inter-Insurance Exchange" shall mean a group of subscribers exchanging reciprocal contracts of indemnity or inter-insurance with each other through the same attorney; "Exchange."

(c) "Subscribers" shall mean persons exchanging with each other reciprocal contracts of indemnity or inter-insurance as provided in section 3; "Subscribers."

(d) "Superintendent" shall mean the Superintendent of Insurance. "Superintendent."

3. It shall be lawful for any person to exchange with other persons in Ontario and elsewhere reciprocal contracts of indemnity or inter-insurance for any class of insurance for which an insurance company may be licensed under the provisions of *The Ontario Insurance Act* except life insurance, accident insurance, sickness insurance and guarantee insurance. Authority for exchange of reciprocal contracts of insurance.

4. No person shall be deemed to be an insurer within the meaning of *The Ontario Insurance Act* by reason of exchanging with other persons reciprocal contracts of indemnity or inter-insurance under the provisions of this Act. Subscriber not to be deemed an insurer.

Execution
of Contract.

5.—(1) Reciprocal contracts of indemnity or inter-insurance may be executed on behalf of subscribers by any other person acting as attorney under a power of attorney a copy of which has been duly filed as hereinafter provided.

Who may
maintain
action in
contract.

(2) Notwithstanding any condition or stipulation of any such power of attorney or of any such contract of indemnity or inter-insurance, any action or proceeding in respect of any such contract may be maintained in any court of competent jurisdiction in Ontario.

Declaration
by members
of exchanges.

6. The persons constituting the exchange shall, through their attorney, file with the Superintendent a declaration verified by oath, setting forth:—

- (a) The name of the attorney and the name or designation under which such contracts are issued, which name or designation shall not be so similar to any other name or designation previously adopted by any exchange or by any licensed insurer as in the opinion of the Superintendent to be likely to result in confusion or deception;
- (b) The classes of insurance to be effected or exchanged under such contracts;
- (c) A copy of the form of the contract, agreement or policy under or by which such reciprocal contracts of indemnity or inter-insurance are to be effected or exchanged;
- (d) A copy of the form of power of attorney under which such contracts are to be effected or exchanged;
- (e) The location of the office from which such contracts are to be issued;
- (f) A financial statement in the form prescribed by the Superintendent;
- (g) Evidence satisfactory to the Superintendent that it is the practice of the exchange to require its subscribers to maintain in the hands of the attorney, as a condition of membership in the exchange, a premium deposit reasonably sufficient for the risk assumed by the exchange.

- (h) Evidence satisfactory to the Superintendent that the management of the affairs of the exchange is subject to the supervision of an advisory board or committee of the subscribers in accordance with the terms of the power of the attorney.

7.—(1) Upon an exchange complying with the provisions of this Act the Superintendent may issue a license in accordance with the form in Schedule "A" hereto. Form of License.

(2) Until otherwise prescribed by the Lieutenant-Governor in Council, every licensed exchange shall, at the time of the issue of its license or renewal thereof, pay an annual license fee of One Hundred Dollars. License Fee.

8. A license shall not be issued to an exchange to effect or exchange contracts of indemnity or inter-insurance,— Evidence required before issue of license for;

- (a) Against loss by fire, until evidence satisfactory to the Superintendent has been filed with him that applications have been made for indemnity upon at least seventy-five separate risks in Ontario or elsewhere aggregating not less than one and one-half million dollars as represented by executed contracts or *bona fide* applications to become concurrently effective; Fire Insurance.

- (b) In respect of automobiles, until evidence satisfactory to the Superintendent has been filed with him that applications have been made for indemnity upon at least five hundred automobiles as represented by executed contracts or *bona fide* applications to become concurrently effective, and that arrangements satisfactory to the Superintendent are in effect for the re-insurance of all liabilities in excess of such limits as the Superintendent may prescribe. Automobile Insurance.

9. Where the office from which such contracts are to be issued is not in Ontario, service upon the Superintendent of notice or process in any action or proceeding in Ontario in respect of contract of indemnity or inter-insurance effected by the exchange, shall be deemed service upon the subscribers who are members of the exchange at the time of such service. Service of Process.

Statement
of
maximum
indemnity.

10. There shall be filed with the Superintendent by the Attorney, as often as the Superintendent may require, a statement of the attorney under oath showing, in the case of fire insurance, the maximum amount of indemnity upon any single risk and a statement of the attorney verified by oath to the effect that he has examined the commercial rating of the subscribers of the exchange as shown by the reference book of a commercial agency, having at least five hundred subscribers and that from such examination or other information in his possession it appears that no subscriber has assumed on any single fire insurance risk, an amount greater than ten per centum of the net worth of such subscriber.

Amount of
Reserve.

11.—(1) There shall at all times be maintained with such attorney, as a reserve fund, a sum in cash or approved securities equal to fifty per centum of the annual deposits or advance premiums collected or credited to the accounts of subscribers on contracts in force having one year or less to run, and *pro rata* on those for longer periods.

Guarantee
Fund.

(2) Except as hereinafter provided, there shall also be maintained as a guarantee fund or surplus, an additional sum, in excess of all liabilities, in cash or approved securities amounting to not less than fifty-thousand dollars.

Guarantee
fund of
domestic fire
insurance
exchange.

(3) In the case of a fire insurance exchange whose principal office is in Ontario, the guarantee fund or surplus referred to in subsection 2 shall not be less than Twenty-five thousand dollars.

Guarantee
fund of
domestic
automobile
insurance
exchange.

(4) In the case of an automobile insurance exchange whose principal office is in Ontario, the guarantee fund or surplus referred to in subsection 2 shall, during the first year of operation of the exchange, be maintained at an amount not less than Ten thousand dollars, and thereafter not less than Twenty-five thousand dollars.

Deficiency.

(5) If at any time the amounts on hand are less than the foregoing requirements the subscribers or the attorney shall forthwith make up the deficiency.

(6) Where funds other than those which accrued from premiums or deposits of subscribers are supplied to make up a deficiency as herein provided for, such funds shall be deposited and held for the benefit of subscribers under such terms and conditions as the Superintendent may require so long as a deficiency exists and may thereafter be returned to the depositor.

Use of funds supplied to make up deficiency.

(7) In this section "approved securities" means securities the investment in which is authorized by the provisions of section 12 hereof.

"Approved securities."

12.—(1) If the principal office of the exchange is in Ontario, the surplus insurance funds and the reserve fund of the exchange shall be invested in the class of securities authorized by *The Ontario Insurance Act* for the investment of the reserve funds of a joint stock insurance company incorporated thereunder.

Investment of surplus funds and reserve.

(2) If the principal office of the exchange is outside Ontario it shall be a condition precedent to the issue of a license under this Act that evidence satisfactory to the Superintendent shall be filed with him showing that the class of security in which funds of the exchange are required by law to be invested, and are in fact invested, is within the limits of investment prescribed for the investment of the reserve funds of an insurance corporation by the jurisdiction in which the office of the exchange is situate.

Evidence as to investments.

13.—(1) No exchange shall undertake any liability on a contract of indemnity, inter-insurance or insurance except on behalf of a subscriber.

Contracts must be on behalf of subscribers only.

(2) No attorney or exchange shall effect re-insurance of any risks undertaken by the exchange in any other reciprocal or inter-insurance exchange.

Re-insurance in another exchange.

14.—(1) No person shall act as attorney, or for or on behalf of any attorney, in the exchange of reciprocal contracts of indemnity or inter-insurance, or in acts or transactions in connection therewith, unless and until a license has been issued and unless such license is in force.

Attorney not to act until license granted.

Penalty.

(2) Any person who, in contravention of subsection 1 undertakes or effects or agrees or offers to undertake or effect any exchange of reciprocal contracts of indemnity or inter-insurance or any act or transaction in connection therewith shall incur a penalty of not less than Fifty dollars or more than Five hundred dollars recoverable under *The Ontario Summary Convictions Act*;

Suspension or revocation of license.

15.—(1) Where a licensed exchange or attorney fails or refuses to comply with or contravenes any provision of this Act, the license of the exchange may be suspended or revoked by the Minister on the report of the Superintendent after due notice and opportunity for a hearing before the Superintendent has been given to the exchange or its attorney, but such suspension or revocation shall not affect the validity of any reciprocal contracts of indemnity or inter-insurance effected prior thereto or the rights and obligations of subscribers under such contracts.

Notice.

(2) Notice of such suspension or revocation shall be given by the Superintendent in at least two successive issues of the *Ontario Gazette* as soon as reasonably may be after such suspension or revocation.

Annual tax.

16. The attorney shall, on or before the 1st day of March in each year, pay to the Treasurer of Ontario for the use of the Province, an annual tax equal to two per centum of the gross premiums or deposits collected from subscribers in respect of risks located in Ontario during the preceding calendar year after deducting returns for cancellations, considerations for re-insurances with licensed insurers and all amounts returned to subscribers or credited to their accounts as savings during such year.

Fire insurance in unlicensed exchanges may be effected outside of Ontario.

17. Notwithstanding anything in this Act any person may insure against fire any property situated in Ontario in any exchange not licensed under this Act, and any property so insured or to be insured may be inspected and any loss incurred in respect thereof adjusted, provided such insurance is effected outside of Ontario and without any solicitation in Ontario directly or indirectly on the part of the insurer.

SCHEDULE "A"

No..... Term of license.....to.....

DEPARTMENT OF INSURANCE
ONTARIO

RECIPROCAL INSURANCE LICENSE.

This is to certify that.....
 being an exchange within the meaning of *The Reciprocal Insurance Act, 1922*, has complied with the requirements of the said Act;
 and the subscribers of the said exchange are hereby licensed and
 authorized for and during the term beginning on the.....
 day of.....19.... and ending on the.....
 day of.....19.... to exchange reciprocal contracts of
 indemnity or inter-insurance (*here state class of insurance*).

Superintendent of Insurance.

No. 63.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting Reciprocal or
Inter-Insurance.

1st Reading, 21st February, 1922.
2nd Reading, 1922.
3rd Reading, 1922.

MR. RANNEY.

TORONTO:

PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting Insurance Agents, Brokers and Adjusters.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as *The Insurance Agents Act*, 1922.

2. Section 99a of *The Ontario Insurance Act* as enacted by *The Ontario Insurance Amendment Act*, 1914, and section 100 of *The Ontario Insurance Act* are repealed. Rev. Stat. c. 183, ss. 99a, 100 repealed

3. *The Ontario Insurance Act* is amended by adding thereto the following Part : Rev. Stat. c. 183 amended.

PART V.

PROVISIONS RELATING TO AGENTS, BROKERS AND ADJUSTERS. Interpretation.

246. In this Part :

- (1) "adjuster" shall mean a person who, for compensation, not being a barrister or solicitor acting in the usual course of his profession or a trustee or an agent of the property insured, directly or indirectly solicits the right to negotiate the settlement of a loss under a fire insurance policy on behalf of the insured or the insurer or holds himself out as an adjuster of losses under fire insurance policies. Adjuster"

"Agent"

- (2) "agent" shall mean a person who, for compensation, not being a duly licensed insurance broker or a person acting under the authority of subsection 14 or 15 of section 247, solicits insurance on behalf of any insurer or transmits, for a person other than himself, an application for or a policy of insurance to or from such insurer or offers or assumes to act in the negotiation of such insurance or in negotiating its continuance or renewal.

"Broker"

- (3) "broker" shall mean a person who, for compensation, not being a licensed agent or a person acting under the authority of subsections 14 or 15 of section 247, acts or aids in any manner in negotiating contracts of insurance or placing risks or effecting insurance or in negotiating the continuance or renewal of such contracts for a person other than himself.

Licenses of Insurance Agents.

Licensing
agents.

- 247.—(1) The Superintendent may issue to any person who has complied with the requirements of this Act a license authorizing such person to carry on business as an insurance agent subject to the provisions of this Act and to the terms of the license.

Classification.

- (2) Licenses so issued shall be of two classes:
- (a) Licenses for life insurance, or life and accident insurance, or life and accident and sickness insurance;
 - (b) Licenses for any classes of insurance other than life insurance.

Issue of
license.

- (3) Upon written notice to the Superintendent that a licensed insurer has appointed a person to act as his agent in Ontario and upon due application of such person and payment by him of a fee of three dollars, the Superintendent shall, if he is satisfied that the applicant is a suitable person to receive a license and intends to hold himself out publicly and carry on business in good faith as an insurance agent, issue to the applicant a license which shall state

in substance that the holder is, during the term of the license, authorized to carry on within Ontario the business of an insurance agent.

Notice of
appointment
of agent.

- (4) Such notice of appointment by an insurer shall be upon a form furnished by the Superintendent and shall state that the appointee has been authorized in writing by the insurer to act as agent in the soliciting of and negotiating for insurance and shall be accompanied by a sworn statement of the appointee on a form furnished by the Superintendent which shall give the name, age, residence and present occupation of the applicant and his occupation for the five years next preceding the date of the notice and particulars of any other employment in which he may be engaged and such other information as the Superintendent may require.
- (5) Where the applicant is the appointee of an insurer carrying on in Ontario the business of life insurance, or life and accident insurance, or life and accident and sickness insurance, the license shall expressly limit the authorization of the agent to the class of insurance for which the insurer is licensed; and when the applicant is the appointee of an insurer carrying on in Ontario any class or classes of insurance business other than life insurance, the license shall expressly exclude the business of life insurance, but nothing herein shall prevent the issue to the same applicant of two licenses including all classes of insurance if due application has been made for two licenses.
- (6) Where the agency, upon notice of which a license is issued, is terminated, notice in writing shall forthwith be given by the insurer to the Superintendent of such termination, with the reason therefor, and thereupon the license shall be *ipso facto* suspended, but such license may be revived subject to the approval of the Superintendent upon filing of notice of a new agency appointment and upon payment of a fee of one dollar.

Limitations
of License.

Notice of
termination of
agency,
suspension
and revivor.

4.

Failure to
give notice.

- (7) An insurer who fails to notify the Superintendent within thirty days of the termination of an agency appointment as required by the preceding subsection shall be guilty of an offense.

Revocation

- (8) A license issued under this section may be revoked by the Superintendent if, after due investigation and a hearing, he determines that the holder of such license (a) has violated any provision of *The Ontario Insurance Act* by any act or thing done in respect to insurance for which such license is required; or (b) has made a material mis-statement in the application for such license; or (c) has been guilty of a fraudulent practice; or (d) has demonstrated his incompetency or untrustworthiness to transact the insurance agency business for which such license has been granted, by reason of anything done or omitted in or about such business under the authority of such license.

Advisory
Board to
Report on
Complaint.

- (9) In determining the granting or refusal of an application for a license or renewal of license, or the cancellation of any existing license, the Superintendent may, and shall when so requested in writing by the applicant or licensee, nominate an advisory board before which the hearing provided for in the preceding subsection shall be had, on which board there shall be a representative of insurers and a representative of agents, and a representative of the Superintendent, and the decision of the Superintendent rendered after the hearing and on the advice of such board shall be final and binding upon all parties concerned and shall not be subject to appeal.

Term of
license.

- (10) A license issued hereunder shall expire on the thirtieth day of September next after its issue unless automatically revoked by notice pursuant to subsection 4 hereof or unless revoked or suspended by the Superintendent; but such license may, in the discretion of the Superintendent, be renewed for a succeeding year upon due application

Renewal.

upon a form prescribed by the Superintendent giving such information as he may require, accompanied by a certificate of agency appointment of a licensed insurer and payment of a fee of three dollars, without requiring anew the detailed information hereinbefore specified.

- (11) The Superintendent may issue renewal licenses upon due application upon a form prescribed by the Superintendent giving such information as he may require of persons, to whom certificates of authority as insurance agents have been issued during the year ended September thirtieth, 1922, pursuant to the provisions of *The Ontario Insurance Act*, without requiring anew the detailed information hereinbefore specified, and such renewal license shall have the same force and effect as if it had been issued in the renewal of a license issued under the provisions of this section. Form and Condition of renewal licenses.
- (12) The holder of a license under this section as agent for insurance other than life insurance may, during the term and validity of his license, act as agent for any licensed insurer within the limits prescribed by his license and may act as an insurance broker in dealing with licensed insurers without other or additional license. Authority of agents.
- (13) A collector of insurance premiums who does not solicit application for or the renewal or continuance of insurance contracts or act or aid in negotiating such contracts or the renewal thereof, may carry on such business without a license therefor, provided that the collection fee does not exceed five per centum of any amount collected. Licenses not required, under what circumstances. Collectors.
- (14) A member of a duly registered friendly or fraternal society or mutual fire insurance corporation may, without a license, solicit persons to become members of such society or corporation. Members of fraternal societies and mutuals.

Salaried
officials,
etc.

- (15) A salaried employee who does not receive commissions or an officer of a licensed insurer, or an attorney, or salaried employee of a reciprocal or inter-insurance exchange at which no commission is paid except to such attorney, or an employee of a licensed agent or broker who does not receive commissions and who acts only in the name and on behalf of such licensed agent or broker may, without a license, act for such insurer, exchange, agent or broker in the negotiation of any contracts of insurance or in the negotiation of the continuance or renewal of any contracts which the insurer, exchange, agent or broker may lawfully undertake; provided that in the case of insurers authorized to undertake life insurance, only the officers and salaried employees of the head office who do not receive commissions may so act without a license.

Penalty
where not
licensed.

- (16) Every person who assumes to act as an agent without the license required by this section, or while his license as such is suspended, shall be guilty of an offense.

Licenses of Insurance Brokers.

Licenses of
insurance
brokers.

- 248.—(1) The Superintendent may, upon the payment of a fee of ten dollars, issue to any suitable person resident in Canada a license to act in Ontario as an insurance broker to negotiate, continue or renew contracts of insurance other than life insurance or to place risks or effect insurance with any duly licensed insurer or its agent.

Application
to be filed
with Superin-
tendent.

- (2) The applicant for such license shall file with the Superintendent a written application under oath upon a form provided by the Superintendent in which the applicant shall state his name, age, residence and occupation at the time of making the application, his occupation for the five years next preceding the date of the application and such other information as the Superintendent may require. The applicant shall declare that he intends to hold himself out publicly and carry on business in

good faith as an insurance broker and he shall furnish a statement as to his trustworthiness and competency signed by at least three reputable persons resident in Ontario.

- (3) If the Superintendent is satisfied with the statement and information required by the preceding subsection he shall issue the license applied for, and the license shall expire at the end of one year from its date unless sooner revoked or suspended. Superintendent may issue license.
- (4) The license may, in the discretion of the Superintendent, be renewed upon payment of the fee of ten dollars for each succeeding year without requiring anew the detailed information hereinbefore specified. Renewal of license.
- (5) The Superintendent may, for cause shown and after a hearing, revoke the license, or may suspend it for a period not exceeding the unexpired term thereof, and may for cause shown and after a hearing revoke the license while so suspended, and shall notify the licensee in writing of such revocation or suspension and may publish a notice of such revocation or suspension in such manner as he may deem necessary for the protection of the public. Revocation or Suspension of License.
- (6) Any person other than a licensed agent who assumes to act as an insurance broker without a license or during a suspension of his license shall be guilty of an offense. Penalty for acting without license.
- (7) Subject to the provisions of section 251 a broker shall not be presumed to be the agent of the insurer or the agent of the insured by reason of the issue to him of a license under this section. License not to import agency.
- 249. In addition to issuing insurance brokers' licenses giving full authority to the licensee as set forth in the preceding sections, the Superintendent may issue insurance brokers' licenses limiting the authority of the License may be granted limiting authority of licensee.

S.

licensee to the extent agreed upon with the applicant and set forth in the license, but in other respects the granting of such licenses and the brokers so licensed shall be subject to this Act.

*Brokers' Licenses for Business with
Unregistered Corporations.*

License to
special
insurance
broker.

250.—(1) The Superintendent may, upon the payment of a fee of twenty-five dollars, issue to any suitable person resident in Ontario, a license to act as a special insurance broker to negotiate, continue or renew contracts of fire insurance on property in Ontario in insurers not authorized to transact such business in Ontario.

Application to
be filed with
Superinten-
dent.

(2) The applicant for such license shall file with the Superintendent a written application under oath as prescribed by section 248.

Expiration
of license.

(3) If the Superintendent is satisfied with the statements and information required, he shall issue the license applied for subject to suspension or revocation in the discretion of the Superintendent, which license shall expire at the end of one year from its date unless sooner suspended or revoked.

Renewal of
License.

(4) The license may, in the discretion of the Superintendent, be renewed for each succeeding year upon payment of a fee of twenty-five dollars without requiring anew the detailed information specified by section 248.

Affidavit
be filled with
with Superin-
tendent.

(5) Every person shall, before receiving such license, execute and deliver to the Superintendent security to the satisfaction of the Superintendent in the sum of not less than five thousand dollars that the licensee will faithfully comply with all the requirements of this Act.

- (6) Where sufficient insurance on property in Ontario cannot be obtained at reasonable rates or on the form of contract required by the insured from insurers licensed to do business in Ontario, the person named in such license may effect insurance with unlicensed insurers, but shall in the case of every insurance effected under this section obtain from the insured a signed and dated statement describing the property insured, its location and the amount of insurance required and stating that the insurance cannot be obtained in licensed companies and that the application for such insurance at the stated rate of premium was previously made to and refused by named companies licensed in Ontario. The person named in such license shall, within ten days after the placing of such insurance with unlicensed insurers, submit to the Superintendent a statement setting forth the name of the insured, the property insured and its location, the full names of the unlicensed insurers, and the amount of insurance placed with each and the rate and amount of premium paid to each.
- (7) Every such licensee shall keep a separate account of insurance effected by him under his license in books in the form prescribed by the Superintendent, which shall be open to inspection by the Superintendent or any officer of the Department.
- (8) Within ten days after the end of each month every such licensee shall make to the Superintendent a return under oath in the form and manner by him prescribed containing particulars of all insurances effected under this section by the licensee during such month:
- (9) In respect of all premiums on insurance effected under a license, the licensee shall pay to the Department such taxes as would be payable if such premiums had been received by a licensed insurer, and payment

When licensee may effect insurance with unlicensed insurers.

Records to be kept.— Inspection.

Monthly return.

Tax on premiums.

thereof shall accompany the monthly return provided for in the preceding subsection.

Release of
security
given to
licensee.

- (10) On it being shown to the satisfaction of the Minister that all insurances effected under this section are no longer in force or have been reinsured, the licensee shall be entitled to a release or cancellation of his security.

Forfeiture of
license.

- (11) Every person licensed under this section who contravenes any of the foregoing provisions of this section shall forfeit his license and shall be guilty of an offense.

*Provisions Relating to Agents and
Brokers Generally.*

Agent or
Broker
receiving
premiums.

- 251.—(1) An agent or broker shall, for the purpose of receiving any premium for a contract of insurance be deemed to be the agent of the insurer notwithstanding any conditions or stipulations to the contrary.

Application of
section
limited.

- (2) This section shall not apply to life insurance.

Fraudulent
representa-
tions.

252. An agent or broker who knowingly procures by fraudulent representations, payment or the obligation for payment of any premium on an insurance policy, shall be guilty of an offense.

Personal
liability
of agent for
unlawful
contracts.

253. An agent or broker shall be personally liable to the insured on all contracts of insurance unlawfully made by or through him directly or indirectly with any insurer not licensed to undertake insurance in Ontario, in the same manner as if such agent or broker were the insurer.

Licenses of Insurance Adjusters.

Licenses of
insurance
adjusters.

- 254.—(1) The Superintendent may, upon the payment of a fee of ten dollars, issue to any suitable person a license to act as an adjuster.

- (2) The applicant for such license shall file with the Superintendent a written application under oath upon a form provided by the Superintendent in which the applicant shall state his name, age, residence and occupation for the five years next preceding the date of the application and such other information as the Superintendent may require, and the applicant shall furnish a statement as to his trustworthiness and competency signed by at least three reputable persons resident in Ontario. Application to be filed with Superintendent.
- (3) If the Superintendent is satisfied with the statements and information required, he shall issue the license which shall be in force one year from its date unless sooner revoked or suspended. License to be in force one year.
- (4) A license may, in the discretion of the Superintendent and upon payment of a fee of ten dollars, be renewed for each succeeding year without requiring anew the detailed information hereinbefore specified. Renewal of license.
- (5) The Superintendent may, for cause shown and after a hearing, revoke the license, or may suspend it for a period not exceeding the unexpired term thereof, and may, for cause shown and after a hearing, revoke the license while so suspended, and shall notify the licensee in writing of such revocation or suspension. Revocation or suspension of license.
- (6) Any person who acts as an adjuster without such a license or during a suspension of his license, shall be guilty of an offense. Penalty for acting without license.

*Partnership Licenses of Agents, Brokers
and Adjusters.*

- 255.—(1) Licenses as agents, brokers or adjusters may be issued to partnerships on the conditions hereinbefore specified for the issue of such licenses to individuals except as otherwise provided in this section. Licenses to partnership.

Statement to
be filed by
each partner.

- (2) Each member of the partnership shall file the statement or application and pay the fee required by this Act, including a written request that the license be issued in the name of the partnership. The license may be revoked or suspended as to one or more members of the partnership.

Notice of
termination of
partnership to
be given to
Superin-
tendent.

- (3) If the partnership is terminated prior to the expiration of the license, the partners shall forthwith give notice to the Superintendent, who shall, thereupon, revoke the license.

Personal
liability of
partners
for violation
of this Act.

- (4) All the partners shall be jointly and severally liable for any contravention of this Act committed by or on behalf of the partnership.

Failure to
give notice
of termina-
tion of
partner-
ships.

- (5) Any member of a partnership licensed under this Section who contravenes any of the provisions hereof, shall be guilty of an offense.

Corporation Licenses of Agents, Brokers and Adjusters.

Licenses to
corporations

- 256.—(1) Licenses as agents, brokers or adjusters may be issued to any corporation which is incorporated expressly for the purpose of acting as an insurance agent, broker or adjuster or for that and other purposes.

When licenses
not to be
issued.

- (2) Licenses as agents or brokers shall not be issued to a corporation whose head office is outside of Canada or if it appears to the Superintendent that the application is made for the purpose of acting as agent or broker wholly or chiefly in the insurance of property owned by the corporation or by its shareholders or members.

Licenses; to
what to be
subject.

- (3) Except as otherwise provided in this Section, such licenses, and the corporation and officers of the corporation named in the license, shall be subject to the provisions of this Act with respect to agents, brokers and adjusters.

- (4) The license shall specify the officers who may act thereunder in the name and on behalf of the corporation, and every such officer shall file the statement or application and pay the fee required by this Act for individual agents, brokers or adjusters and a certified copy of the Act or instrument of incorporation and of the by-laws of the corporation shall be filed with the said applications. Licenses to specify officers.
Certified copy of Act or instrument of incorporation to be filed with applications.
- (5) A license may be revoked or suspended as to the corporation or as to any officer named therein. Revocation or suspension of license.
- (6) The Superintendent may require such information as he deems necessary in respect of the corporation, its officers or affairs, and may make such examination of its books and affairs as he deems necessary. Superintendent may examine books.
- (7) The corporation shall file with the Superintendent certified copies of all amendments to the Act or instrument of incorporation, or to the by-laws of the corporation within thirty days after they become effective and shall at once notify the Superintendent, in writing, of the dissolution or revocation of the charter of the corporation and upon receipt of such notice the Superintendent shall forthwith revoke the license. Certified copies—amendments to be filed with superintendent.
- (8) Every officer specified in the license who contravenes any of the provisions of this Section shall be guilty of an offense and shall be personally liable therefor, although such contravention is committed in the name and on behalf of the corporation, and the corporation shall be liable for any such contravention the responsibility for which cannot be placed upon any such officer. Personal liability of officers.

Provisions Relating to Agents, Brokers and Adjusters Generally.

257. Any person who not being duly licensed as an agent, broker or adjuster, represents or holds himself out to the public as being Penalty for acting as agent, broker or adjuster.

such an agent, broker or adjuster, or as being engaged in the insurance business by means of advertisements, cards, circulars, letterheads, signs or other methods, or being duly licensed as such agent, broker or adjuster, advertises as aforesaid or carries on such business in any other name than that stated in the license, shall be guilty of an offense.

Agent to be deemed to hold premium in trust for insurer.

258. An agent or broker who acts in negotiating, or renewing or continuing a contract of insurance, other than life insurance, with a licensed insurer, and who receives any money or substitute for money as a premium for such a contract from the insured, shall be deemed to hold such premium in trust for the insurer, and, if he fails to pay the same over to the insurer within fifteen days after written demand made upon him therefor, less his commission and any deductions to which, by the written consent of the company, he may be entitled, such failure shall be *prima facie* evidence that he has used or applied the said premiums for a purpose other than paying the same over to the insurer.

No compensation to be paid by insurer to person not licensed.

259. No insurer, and no officer, employee, or agent thereof and no broker shall directly or indirectly pay or allow, or agree to pay or allow, compensation or anything of value to any person for placing or negotiating insurance on lives, property or interests in Ontario, or negotiating the continuance or renewal thereof, or for attempting so to do, who, at the date thereof, is not a duly licensed insurance agent or broker or a person acting under the authority of subsections (14) and (15) of section 247, and whoever knowingly violates the provisions of this section shall be guilty of an offense.

260. Every licensed insurer shall make a return Returns to Superintendent. under oath to the Superintendent in such form and at such times as he may require, showing all persons, partnerships and corporations duly authorized as its agents in Ontario, and of persons, partnerships or corporations to whom it has, within such period as the form of return may require, paid or allowed, or agreed to pay or allow, directly or indirectly, compensation for placing or negotiating insurance on lives, property or interests in Ontario, or negotiating the continuance or renewal thereof, or for attempting to do so.

No. 64.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting Insurance Agents,
Brokers and Adjusters.

1st Reading,	21st February, 1922.
2nd Reading,	1922.
3rd Reading,	1922.

Mr. RANNEY.

TORONTO:
PRINTED BY CLARKSON W. JAMES.
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting Insurance Rating Bureaus.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *Insurance Rating Bureau Act, 1922.* Short title.

2. The *Ontario Insurance Act* is amended by adding thereto the following Part:

PART VI.

Rates and Rating Bureaus.

261. In this Part:

Interpretation

“Rating bureau” shall mean any association or body incorporated or unincorporated, created or organized for the purpose of fixing or promulgating rates of premium payable upon contracts of insurance in Ontario, or the terms or conditions of such contracts, or for these and other purposes, or which assumes to fix or promulgate such rates, terms or conditions by agreement among the members thereof or otherwise.

“Rating Bureau.”

262. Every rating bureau shall, on or before the first day of July, 1922, in the case of rating bureaus heretofore organized or incorporated and in operation at the time of the passing of this Act, and forthwith after adoption in the case of rating bureaus hereafter organized or incorporated, file in the office of the Superintendent duly certified copies of its constitution, articles of association, and by-laws, and a list of

Filing of constitution, by-laws and so forth in office of superintendent.

2.

members of such bureaus and their addresses, and thereafter shall file in the office of the Superintendent every amendment, revision or consolidation of its constitution, articles of association and by-laws, and notice of the admission of new members and the withdrawal of former members, within thirty days after the passing or adoption of such amendment, revision or consolidation, or after the admission or withdrawal of such members.

Discrimination
in rates.

263. No rating bureau and no insurer authorized to transact the business of insurance within Ontario shall fix or make any rate or schedule of rates or charge a rate which discriminates unfairly between risks within Ontario of essentially the same hazard, or, if such rate be a fire insurance rate, which discriminates unfairly between risks in the application of like charges or credits or which discriminates unfairly between risks of essentially the same hazard and having substantially the same degree of protection against fire.

Authority to
require information to be
filed.

- 264.—(1) The Superintendent may, on written complaint by an insurer that discrimination exists, or upon his own motion, give notice in writing to a rating bureau or insurer, requiring such rating bureau or insurer to file with the Superintendent any schedules of rates or particulars showing how any specific rate is made up and any other information in connection therewith which he deems necessary or desirable.

Time limit
for filing
information.

- (2) Such rating bureau or insurer shall, within five days after the receipt of the notice, file with the Superintendent the schedules, particulars and other information required.

Issue of order
prohibiting
rate.

- (3) The Superintendent may, within thirty days after the receipt of the information required, make an order prohibiting any rate which, in his opinion, contravenes the provisions of section 263 and directing the discrimination to be removed.

3.

- (4) The Superintendent shall forthwith deliver ^{Notice of} to the rating bureau or insurer a copy of such order and reasons therefor and shall cause notice thereof to be published forthwith in the *Ontario Gazette*.
- (5) No rating bureau or insurer shall remove ^{Rating bureau not to increase rate.} such discrimination by increasing the rates on any risk or class of risks affected by such order unless it be made to appear to the satisfaction of the Superintendent that such increase is justifiable.
- (6) Any rating bureau, insurer or other person ^{Penalty.} failing to comply with any provision of such order shall be guilty of an offence.
265. The Superintendent or any person authorized under his hand and seal of office shall at all times have access to all such books, securities or documents of a rating bureau or insurer as are related to the schedules of rates of the rating bureau or insurer; and any officer or person in charge, possession, custody or control of such books, securities or documents who refuses or neglects to afford such access shall be guilty of an offence. ^{Superintendent to have access to books.}
- 266.—(1) The Superintendent may inquire ^{Inquiry by superintendent.} into any question which an insurer, insured or a rating bureau may bring before him with regard to insurance rates fixed by any rating bureau or charged by an insurer and also with regard to any other question arising out of the relationship or proposed relationship of the parties with reference to the insurance in question.
- (2) The Superintendent shall not make any ^{Report of superintendent.} order pursuant to an enquiry under this section, but the result of such inquiry shall be reported in his Annual Report.

No. 65.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting Insurance Rating
Bureaus.

1st Reading, 21st February,	1922.
2nd Reading,	1922.
3rd Reading,	1922.

MR. RANNEY.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Ontario Insurance Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Ontario Insurance Amendment Act, 1922.* Short title.

2. Section 2a of *The Ontario Insurance Act* as enacted by subsection 2 of section 28 of chapter 27 of the Statutes of 1917 is hereby repealed. Rev. Stat. c. 185, s. 2, as amended by 1917 c. 27, s. 28, subs. 2 repealed.

3. Paragraphs 13 and 16 of section 2 of *The Ontario Insurance Act* are respectively amended by striking out the words "and shall not include any person, firm or corporation mentioned in section 2a" added to the said paragraphs by sub-section 1 of section 28 of the said chapter 27. Rev. Stat. c. 183, s. 2 (13) and (16) amended.

4. *The Ontario Insurance Act* is amended by inserting the following section immediately after section 76:— Rev. Stat. c. 183, amended.

Old Age Insurance.

76a.—Notwithstanding anything in this Act a friendly society registered under this Act which files with the Registrar a declaration of an actuary as provided by subsection 2 of section 78b hereof may, if its constitution so provides and subject thereto, issue to its members old age insurance contracts providing for the payment of the money due on maturity thereof either at death or upon the insured attaining the age of sixty-five years or more, and such contracts may provide for such surrender values or other equities as may be approved by the actuary of the society and authorized by its constitution. Old age insurance in friendly society.

Rev. Stat.
c. 183,
amended.

5. The said Act is amended by inserting the following section immediately after section 98:—

Penalties.

Penalty for
offence.

98a.—(1) Unless otherwise provided every person guilty of any act or omission declared by this Act to be an offense, shall incur a penalty of not less than \$20 and not more than \$200 for every such offense.

Burden of
proof of
license or
registry.

(2) In any prosecution under this Act, whenever it appears that the defendant or the accused has done any act or been guilty of any omission in respect of which he would be liable to some penalty under this Act or the regulations made hereunder unless he had been duly licensed or registered it shall be incumbent upon the defendant or the accused to prove that he is duly licensed or registered.

Penalty for
continued
default.

(3) In case of default in making any return required by this Act to be made within a limited time, the insurer or the person required by the Act to make the return shall, in addition to the penalty provided by subsection 1 hereof, incur a further penalty of \$100 for every month or part thereof during which such insurer or person neglects to file any return so required.

Application of
Rev. Stat.
c. 90.

(4) Any penalty imposed under this Act shall be recoverable under *The Ontario Summary Convictions Act* and when recovered shall be paid over to the Treasurer of Ontario for the use of the Province.

Underwriters Agency

6. Section 99c of the said Act is repealed and the following is enacted as section 99b:—

Underwriters
Agency.

99b.—(1) A policy of insurance shall not be issued through any underwriters agency under its own name for an insurer, unless such insurer is licensed to carry on business in Ontario and unless such underwriters agency shall have obtained from the Superintendent a license to issue contracts of insurance,

- (2) Every policy of insurance issued by any such underwriters agency shall be in a form approved by the Superintendent, and shall bear upon its face the name of the insurer in a prominent and conspicuous manner, and the name of the underwriters agency shall not appear on the face of the policy except as a counter-signature thereto. Policy to bear name of insurer. Form of policy.
- (3) Upon an application for a license under this section every underwriters agency shall furnish to the Superintendent evidence of the approval and adoption of the form of the policy by the insurer and of the authority of the underwriters agency or its agents to bind the said insurer. Evidence of adoption of form of policy by insurer.
- (4) Every insurer licensed under this Act carrying on business or issuing any policy of insurance through an underwriters agency shall file an annual return of the business transacted through the said underwriters agency in a form prescribed by the Superintendent. Annual Return.

7. Section 107 of *The Ontario Insurance Act* is hereby repealed and the following substituted therefor:— Rev. Stat. c. 183 s. 107 repealed.

Life Insurance Reserves.

- 107.—(1) The valuation of contracts of life insurance issued by companies incorporated and licensed under the law of Ontario except contracts of friendly societies registered or licensed under this Act, shall be based on the British Offices' Life Tables, 1893, O^M(5), and on a rate of interest of three and one half per centum per annum. Standard of valuation.
- (2) In computing such valuation a deduction may be allowed from the value of a policy in the first policy year of an amount ascertained in the following manner, namely: In the case of a Twenty Payment life policy or any other form of policy, except a term policy, the net annual premium upon which is less than the Deduction allowed in first policy year.

corresponding net annual premium of a twenty payment life policy, the difference between the net annual premium for such policy and the corresponding net premium for a one year term insurance, and in the case of a policy with a net annual premium greater than that of a twenty payment life policy, an amount equal to the deduction allowed in respect of a twenty payment life policy.

Deduction in subsequent years.

- (3) After the first policy year the deduction allowed by the preceding subsection shall be diminished each year by an amount not less than one ninth of the deduction in the first policy year so that in the tenth year from the date of issue the value of the policy shall not be less than that ascertained in accordance with subsection 1.

Deduction where less than ten annual premiums.

- (4) In case of policies subject to less than ten annual premiums the deduction ascertained as provided in subsection 2 shall, in each year after the first policy year, be reduced by an amount not less than the equal parts thereof required to provide that the value of the policy at the end of the premium paying period shall be not less than that ascertained in accordance with subsection 1.

Additional liability in certain cases.

- (5) In the case of policies where the net premium is less than the net premium calculated upon the British Offices' Life Tables 1893, O^M(5), with interest at three and one half per centum per annum, an additional liability shall be charged against such policy to the extent of the value of an annuity consisting of the difference between such net premium and the premium stated in the policy.

Accident and Sickness benefits.

- (6) Where a contract of life insurance provides for accident or sickness insurance benefits the Superintendent may prescribe by regulations the basis for valuing such

benefits, but no deduction shall be allowed by the company and shall not exceed sions of subsection 2 hereof, and in the valuation of the life insurance benefits under such contracts, the amount of the net annual premium upon which the deduction provided for in the preceding subsections is to be based, shall be the net annual premium exclusive of the premium for such accident or sickness benefits.

- (7) In the case of annuity contracts, whether immediate or deferred, the valuation basis shall be the British Offices' Select Life Annuity Tables, 1893 (male or female according to the sex of the nominee) with interest at three and one-half per centum per annum.

Annuity
contracts.

8. *The Ontario Insurance Act* is amended by inserting the following section immediately after section 108:—

Rev. Stat.
c. 183,
amended.

Records and Returns

- 108a.—(1) Every registered insurance corporation which carries on in Ontario the business of fire insurance shall keep at its principal office, in Ontario a record of the premium income of the corporation derived from risks located in Ontario and of claims paid in respect of such risks so as to show at any time the experience of the corporation from month to month according to a classification of such risks prescribed by the Superintendent.

Record of
premium
income
and losses.

- (2) If, at any time, it appears to the Minister on the report of the Superintendent that such records are not kept in such a manner, as to show correctly the experience of the corporation in Ontario as herein required the Minister may nominate a competent accountant to proceed under his direction to audit the books and records of the corporation and to give such instructions as will enable the officers of the corporation to keep the records correctly thereafter.

Audit and
direction
where re-
cords not
duly kept.

Expenses of
audit.

- (3) The expense of such an audit shall be borne by the corporation and shall not exceed Fifteen dollars per day and necessary travelling expenses of the accountant nominated and the account shall, when certified and approved under the hand of the Superintendent, be paid by the corporation forthwith.

Annual State-
ment of pre-
mium income
and losses.

- (4) Every registered insurance corporation undertaking the business of fire insurance in Ontario, shall prepare and file annually with the Superintendent on or before the first day of March in each year, on a printed form to be supplied by the Superintendent, a sworn statement of the premium income and losses experienced within Ontario for the calendar year next preceding the date of the return according to the records required to be kept by this section.

Contravention
of section an
offence.

- (5) Any corporation and the principal officer within Ontario of any corporation which contravenes the provisions of this section shall be guilty of an offence.

Rev. Stat.
c. 183,
s. 109 (4).
repealed.

9. Subsection 4 of section 109 of *The Ontario Insurance Act* is repealed and the following subsections substituted therefor:—

Real Estate.

Power of
companies as
to holding
land.

- (4) Except in the case of a friendly or a fraternal society registered under this Act, any corporation may acquire and hold absolutely for its own use and benefit such real property as is necessary for the transaction of its business, and such real property as is acquired by it by foreclosure and in satisfaction of a debt, and may sell, mortgage, lease or otherwise dispose of the same, but such corporation shall sell any such last mentioned real property within seven years after it has been so acquired, otherwise it shall be forfeited to His Majesty for the uses of Ontario.

- (4a) Except in the case of a friendly or a fraternal society registered under this Act, any corporation registered hereunder may acquire and hold real property in addition to that provided for by the preceding subsection and may acquire or hold or construct a building larger than is required for the transaction of its business and may lease any part of such building not so required, upon complying with and subject to the provisions of *The Mortmain and Charitable Uses Act*. Additional real property. Rev. Stat. c. 103.

- (4b) In the case of a friendly or a fraternal society registered under the provisions of this Act, any such society or any branch or lodge thereof may, subject to its constitutions or rules, acquire and hold absolutely for its own use and benefit such real estate as is necessary for the transaction of its business and when so authorized by the Lieutenant-Governor in Council, may acquire and hold or construct a building larger than is required for the transaction of its business and may lease any part of such building not so required, and may hold such real estate as is acquired by it by foreclosure or in satisfaction of a debt, and may sell, mortgage, lease or otherwise dispose of the same; but the society, branch or lodge shall sell any such last mentioned real estate within seven years after it has been so acquired, otherwise it shall be forfeited to His Majesty for the uses of Ontario. Powers of friendly and fraternal societies as to holding land.

10. *The Ontario Insurance Act* is amended by inserting the following section immediately after section 198:— Rev. Stat. c. 183 amended.

Fire Insurance as Collateral Security.

- 198a.—(1) Where a contract of fire insurance is to be given as collateral security to a mortgage on property or where any such contract so given is about to expire the mortgagees or proposed mortgagees, upon de- Rights of mortgagors as to selection of insurers.

8.

mand in writing made by the mortgagor and either delivered to the mortgagee personally or to the solicitor or agent who acted or is acting for him in the matter, or enclosed in a registered letter addressed to him, postage prepaid, which in case of an existing mortgage may be addressed to him at his address as given in the mortgage, or if the mortgagee be a corporate body, then delivered at the chief place of business in Ontario of such mortgagee, shall deliver or send by registered mail to the mortgagor at his address given in such demand, a list of at least ten registered corporations acceptable to the mortgagee and the mortgagor may effect insurance to the amount agreed upon with any of such corporations through its duly authorized agent or one of its duly authorized agents in Ontario.

Where mort-
gagee fails
to furnish
list.

- (2) If the mortgagee fails or refuses to furnish such list as required, the mortgagor may insure the property in any registered corporation and shall not be liable to pay or reimburse the premium on any insurance placed upon the property by the mortgagee.

Where mort-
gagor fails
to insure
or reinsure.

- (3) In case the mortgagor has not placed the insurance agreed on upon the property and filed same, duly assigned if necessary, with the mortgagee at least ten days before the mortgage period is to begin running or, where there is an existing contract, has not renewed or filed the same duly assigned, if necessary, with the mortgagee at least ten days before the expiry thereof, the mortgagee may insure the property, to the amount agreed upon, with any registered corporation and may recover the amount of the premium from the mortgagor or charge it against the property, if the mortgage so provides.

Rights of
mortgagees.

- (4) Where the contract of insurance has been placed by the mortgagee in accordance

Particulars to
be given to
mortgagor.

with the provisions of subsection 3, a copy of the description of the property insured given in the contract, together with the amount of insurance placed upon each item, shall forthwith be given to the mortgagor.

- (5) This section shall have effect notwithstanding any agreement condition or stipulation to the contrary.

11. Clause (a) of subsection 4 of section 219 of *The Ontario Insurance Act* is amended by striking out the words "in Schedule C" and inserting in lieu thereof "in section 107."

Rev. Stat. c.
183, s. 219,
subs. 4,
clause a.
Valuation of
annuities.

No. 66.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act to amend The Ontario
Insurance Act.

1st Reading, February 21st, 1922.
2nd Reading, 1922.
3rd Reading, 1922.

MR. RANEY.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Ontario Insurance Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Ontario Insurance Amendment Act, 1922.* Short title.

2.—(1) Section 2 of *The Ontario Insurance Act* is amended by adding the following as paragraph (1a); Rev. Stat. c. 183, s. 2 amended.

(1a) "Accident Insurance" shall mean insurance against loss arising from accident to the person of the insured. Accident Insurance.

(2) Paragraphs 13 and 16 of section 2 of the said Act are respectively amended by striking out the words "and shall not include any person, firm or corporation mentioned in section 2a" added to the said paragraphs by subsection 1 of section 28 of the said chapter 27. Rev. Stat. c. 183, s. 2, (13) and (16) amended.

(3) Paragraph 5a of section 2 of the said Act is hereby repealed and the following paragraphs are substituted therefor: Interpretation.

(5a.) "Automobile" shall include all self-propelled vehicles, their trailers, accessories and equipment, but not the rolling stock of a railway corporation as defined by *The Ontario Railway Act.* "Automobile."

(5b.) "Automobile Insurance" shall mean insurance against liability for loss or damage to persons or property caused by an automobile or the operation thereof, and insurance against damage sustained by an automobile or the loss of an automobile. "Automobile insurance."

Rev. Stat.
c. 188, s. 2,
amended.

(4) Section 2 of the said Act is amended by adding the following paragraph (51a);

"Sickness
Insurance."

(51a) "Sickness Insurance" shall mean insurance other than Life insurance against loss through sickness or disability of the insured not arising from accident or old age.

Rev. Stat.
c. 185,
s. 2, as
amended by
1917 c. 27,
s. 28, subs. 2,
repealed.

3. Section 2a of *The Ontario Insurance Act* as enacted by subsection 2 of section 28 of chapter 27 of the Statutes of 1917 is hereby repealed.

Rev. Stat.
c. 183,
amended.

4. *The Ontario Insurance Act* is amended by inserting the following section immediately after section 76:—

Old Age Insurance.

Old age
insurance
in friendly
society.

76a.—Notwithstanding anything in this Act a friendly society registered under this Act which files with the Registrar a declaration of an actuary as provided by subsection 2 of section 78b hereof may, if its constitution so provides and subject thereto, issue to its members old age insurance contracts providing for the payment of the money due on maturity thereof either at death or upon the insured attaining the age of sixty-five years or more, and such contracts may provide for such surrender values or other equities as may be approved by the actuary of the society and authorized by its constitution.

Rev. Stat.
c. 183,
amended.

5. *The Ontario Insurance Act* is amended by inserting the following section immediately after section 98:—

Penalties.

Penalty for
offence.

98a.—(1) Unless otherwise provided every person guilty of any act or omission declared by this Act to be an offence, shall incur a penalty of not less than \$20 and not more than \$200 for every such offence.

Burden of
proof of
license or
registry.

(2) In any prosecution under this Act, whenever it appears that the defendant or the accused has done any act or been guilty of any omission in respect of which he would be liable to some penalty under this

Act or the regulations made hereunder unless he had been duly licensed or registered it shall be incumbent upon the defendant or the accused to prove that he is duly licensed or registered.

- (3) In case of default in making any return required by this Act to be made within a limited time, the insurer or the person required by the Act to make the return shall, in addition to the penalty provided by subsection 1 hereof, incur a further penalty of \$100 for every month or part thereof during which such insurer or person neglects to file any return so required. Penalty for continued default.
- (4) Any penalty imposed under this Act shall be recoverable under *The Ontario Summary Convictions Act* and when recovered shall be paid over to the Treasurer of Ontario for the use of the Province. Application of Rev. Stat. c. 90.

6. Section 99a of *The Ontario Insurance Act* as enacted by *The Ontario Insurance Amendment Act, 1914*, and section 100 of *The Ontario Insurance Act* are repealed. Rev. Stat. c. 183, ss. 99a, 100 repealed

Underwriters Agency

7. Section 99c of *The Ontario Insurance Act* is repealed and the following is enacted as section 99b:— Rev. Stat. c. 183, s. 99c, repealed.

- 99b.—(1) A policy of insurance shall not be issued through any underwriters agency under its own name for an insurer, unless such insurer is licensed to carry on business in Ontario and unless such underwriters agency shall have obtained from the Superintendent a license to issue contracts of insurance. Underwriters Agency.
- (2) Every policy of insurance issued by any such underwriters agency shall be in a form approved by the Superintendent, and shall bear upon its face the name and address of the insurer in a prominent and conspicuous manner, and the name of the underwriters agency shall not appear on the face of the policy except as a counter-signature thereto. Policy to bear name of insurer. Form of policy.

Evidence of
adoption of
form of policy
by insurer.

- (3) Upon an application for a license under this section every such underwriters agency shall furnish to the Superintendent evidence of the approval and adoption of the form of the policy by the insurer and of the authority of the underwriters agency or its agents to bind the said insurer.

Annual
Return.

- (4) Every insurer licensed under this Act carrying on business or issuing any policy of insurance through any such underwriters agency shall file an annual return of the business transacted through the said underwriters agency in a form prescribed by the Superintendent.

Rev. Stat. c.
183, s. 107,
repealed.

8. Section 107 of *The Ontario Insurance Act* is hereby repealed and the following substituted therefor:—

Life Insurance Reserves.

Standard of
valuation.

- 107.—(1) The valuation of contracts of life insurance issued by companies incorporated and licensed under the law of Ontario except contracts of friendly societies registered or licensed under this Act, shall be based on the British Offices' Life Tables, 1893, OM⁽⁵⁾, and on a rate of interest of three and one half per centum per annum.

Deduction
allowed in
first policy
year.

- (2) In computing such valuation a deduction may be allowed from the value of a policy in the first policy year of an amount ascertained in the following manner, namely: In the case of a Twenty Payment life policy or any other form of policy, except a term policy, the net annual premium upon which is less than the corresponding net annual premium of a twenty payment life policy, the difference between the net annual premium for such policy and the corresponding net premium for a one year term insurance, and in the case of a policy with a net annual premium greater than that of a twenty payment life policy, an amount equal to the deduction allowed in respect of a twenty payment life policy.

- (3) After the first policy year the deduction allowed by the preceding subsection shall be diminished each year by an amount not less than one ninth of the deduction in the first policy year so that in the tenth year from the date of issue the value of the policy shall not be less than that ascertained in accordance with subsection 1. Deduction in subsequent years.
- (4) In case of policies subject to less than ten annual premiums the deduction ascertained as provided in subsection 2 shall, in each year after the first policy year, be reduced by an amount not less than the equal parts thereof required to provide that the value of the policy at the end of the premium paying period shall be not less than that ascertained in accordance with subsection 1. Deduction where less than ten annual premiums.
- (5) In the case of policies where the net premium is less than the net premium calculated upon the British Offices' Life Tables 1893, O^M(5), with interest at three and one half per centum per annum, an additional liability shall be charged against such policy to the extent of the value of an annuity consisting of the difference between such net premium and the premium stated in the policy. Additional liability in certain cases.
- (6) Where a contract of life insurance provides for accident or sickness insurance benefits the Superintendent may prescribe by regulations the basis for valuing such benefits, but no deduction shall be allowed from the basis so fixed under the provisions of subsection 2 hereof, and in the valuation of the life insurance benefits under such contracts, the amount of the net annual premium upon which the deduction provided for in the preceding subsections is to be based, shall be the net annual premium exclusive of the premium for such accident or sickness benefits. Accident and Sickness benefits.

Annuity
contracts.

- (7) In the case of annuity contracts, whether immediate or deferred, the valuation basis shall be the British Offices' Select Life Annuity Tables, 1893 (male or female according to the sex of the nominee) with interest at three and one-half per centum per annum.

Rev. Stat.
c. 183,
amended.

9. *The Ontario Insurance Act* is amended by inserting the following section immediately after section 108:—

Records and Returns

Record of
premium
income
and losses.

- 108a.—(1) Every registered insurance corporation which carries on in Ontario the business of fire insurance shall keep at its principal office in Ontario, a record of the premium income of the corporation derived from risks located in Ontario and of claims paid in respect of such risks so as to show at any time the experience of the corporation from month to month according to a classification of such risks prescribed by the Superintendent.

Audit and
direction
where re-
cords not
duly kept.

- (2) If, at any time, it appears to the Minister on the report of the Superintendent that such records are not kept in such a manner, as to show correctly the experience of the corporation in Ontario as herein required the Minister may nominate a competent accountant to proceed under his direction to audit the books and records of the corporation and to give such instructions as will enable the officers of the corporation to keep the records correctly thereafter.

Expenses of
audit.

- (3) The expense of such an audit shall be borne by the corporation and shall not exceed Fifteen dollars per day and necessary travelling expenses of the accountant nominated and the account shall, when certified and approved under the hand of the Superintendent, be paid by the corporation forthwith.

- (4) Every registered insurance corporation undertaking the business of fire insurance in Ontario, shall prepare and file annually with the Superintendent on or before the first day of March in each year, on a printed form to be supplied by the Superintendent, a sworn statement of the premium income and losses experienced within Ontario for the calendar year next preceding the date of the return according to the records required to be kept by this section.

Annual Statement of premium income and losses.

- (5) Any corporation and the principal officer within Ontario of any corporation which contravenes the provisions of this section shall be guilty of an offence.

Contravention of section an offence.

10. Subsection 4 of section 109 of *The Ontario Insurance Act* is repealed and the following subsections substituted therefor:—

Rev. Stat. c. 183, s. 109 (4). repealed.

Real Estate.

- (4) Except in the case of a friendly or a fraternal society registered under this Act, any corporation may acquire and hold absolutely for its own use and benefit such real property as is necessary for the transaction of its business, and such real property as is acquired by it by foreclosure and in satisfaction of a debt, and may sell, mortgage, lease or otherwise dispose of the same, but such corporation shall sell any such last mentioned real property within seven years after it has been so acquired, otherwise it shall be forfeited to His Majesty for the uses of Ontario.

Power of companies as to holding land.

- (4a) Except in the case of a friendly or a fraternal society registered under this Act, any corporation registered hereunder may acquire and hold real property in addition to that provided for by the preceding subsection and may acquire or hold or construct a building larger than is required for the transaction of its business and may lease any part of such building not so required, upon complying with and subject to the provisions of *The Mortmain and Charitable Uses Act*.

Additional real property.

Rev. Stat. c. 103.

Power of
Friendly and
Fraternal
Societies as
to holding
land.

(4b) In the case of a friendly or a fraternal society registered under the provisions of this Act, any such society or any branch or lodge thereof may, subject to its constitutions or rules, acquire and hold absolutely for its own use and benefit such real estate as is necessary for the transaction of its business and when so authorized by the Lieutenant-Governor in Council, may acquire and hold or construct a building larger than is required for the transaction of its business and may lease any part of such building not so required, and may hold such real estate as is acquired by it by foreclosure or in satisfaction of a debt, and may sell, mortgage, lease or otherwise dispose of the same; but the society, branch or lodge shall sell any such last mentioned real estate within seven years after it has been so acquired, otherwise it shall be forfeited to His Majesty for the uses of Ontario.

Rev. Stat.
c. 183, s. 172
repealed.

11. Section 172 of *The Ontario Insurance Act*, is repealed.

Rev. Stat.
c. 183
amended.

12. *The Ontario Insurance Act* is amended by adding thereto after section 190 the following sections:

Accident and Sickness Insurance.

Application
of following
sections.

190a.—(1) Sections 190a to 190h inclusive shall apply to accident and sickness insurance and to an insurer undertaking accident and sickness insurance in the Province but shall not apply to any fraternal society or to its contracts.

What rights
may be in-
sured against.

(2) Every insurer licensed for the transaction of accident or sickness insurance may, within the limits and subject to the restrictions prescribed by the license, insure or re-insure any person against accident, sickness or disability, total or partial, so long as the contingency insured against does not happen by design of the insured.

What accident
includes.

190b. In every contract of accident insurance, the event insured against shall include any bodily injury occasioned by external force or agency, and happening without the direct intent of the person injured, or as the indirect result of his intentional act, and no term, condition, stipulation, warranty or proviso of the contract, varying the obligation or liability of the insurer shall, as against the insured, have any force or validity, but the contract may provide for the

exclusion from the risks insured against of accidents arising from any hazard or class of hazard expressly stated in the policy.

190c.—(1) The conditions set forth in this section shall be deemed, subject to the provisions of sections 190d, 190e, and 190f, to be part of every contract of accident and of sickness insurance in force in Ontario, and shall be printed on every policy hereafter issued under the heading "Statutory Conditions."

(2) An insurer may renew an existing contract of insurance by issue of a renewal receipt on which is printed in conspicuous type, "This policy is subject to the Statutory Conditions respecting contracts of Accident and Sickness Insurance contained in Section 190c of *The Ontario Insurance Act*."

STATUTORY CONDITIONS.

1. This policy, including the endorsements and attached papers, if any, contains the entire contract of insurance except as it may be modified by the insurer's classification of risks and premium rates as provided by Condition 3.

2. All statements made by the insured upon the application for this policy shall, in the absence of fraud, be deemed representations and not warranties, and no such statement shall be used in defense of a claim under this policy unless it is contained in the written application for the policy and unless a copy of the application, or such part thereof as is material to the contract, is endorsed upon or attached to the policy when issued.

3. If a *bodily injury or any sickness* insured against happens to the insured while engaged temporarily or permanently in an occupation classified as more hazardous than that stated herein to be the occupation of the insured, the liability under this policy shall be limited to such amount as the premium paid would have purchased for the more hazardous occupation according to the limits classification of risks, and premium rates of the insurer last filed with the Superintendent of Insurance; provided that the performance of ordinary duties about his residence or while engaged in recreation shall not be regarded as a change of occupation by the insured.

4. If the insured shall, at any time, change his occupation either temporarily or permanently to an occupation classified by the insurer as less hazardous than that stated

Statutory
conditions.

Entire con-
tract included
in policy.

Statements of
the insured.

Limited lia-
bility where
insured en-
gaged in more
hazardous
occupation.

Rebate of
premium
where insured
adopts less
hazardous
occupation.

in the policy to be the occupation of the insured, the insurer shall upon written request of the insured and surrender of this policy, issue a policy for the unexpired term at the lower rate of premium applicable to such less hazardous occupation, and the insurer shall return to the insured the amount by which the unearned premium on the original policy exceeds the premium charge at such lower rate for the unexpired term.

Insurer not
liable for sick-
ness within
first 15 days.

5. Unless otherwise specifically stated in this policy, the insurer is not liable for any loss occasioned by sickness contracted by the insured within fifteen days from noon standard time of the day on which the policy comes into force.

Limited lia-
bility where
aggregate
benefits exceed
money value
of the time
of the insured

6. If the *accident or sickness* benefits for loss of time secured hereunder together with the *accident or sickness* benefits payable under other contracts of insurance upon the person of the insured, make up an aggregate indemnity in excess of the money value of the time of the insured, the insurer shall be liable only for such proportion of the benefits stated in this policy as the money value of the time of the insured bears to the aggregate of the benefits payable under all such contracts on the person of the insured, and the excess premium, if any, paid by the insured shall be returned to him by the insurer.

Notice to
insurer.

7. Any written notice to the insurer may be delivered at or sent by registered post to the chief agency or head office of the insurer in the Province or delivered or sent to any authorized agent of the insurer therein.

Notice to
insured.

8. Any written notice may be given to the insured by letter personally delivered to him or by registered letter addressed to him at his last post office address notified to the insurer, or where not notified and the address is not known, addressed to him at the agency, if any, at which the application was received.

Termination
by insurer.

9. The insurance may be terminated by the insurer at any time by giving to the insured ten days' notice of cancellation by registered mail or five days' notice of cancellation personally delivered to the insured and refunding in either case the excess of paid premium beyond the *pro rata* premium for the expired time.

Termination
by insured.

10. The insurance may be terminated by the insured at any time by giving written notice of termination to the insurer in which case the insurer shall, upon surrender of this policy refund the excess of paid premium beyond the customary short rate for the expired time.

11. In the case of termination of the insurance by the insurer, repayment of the excess premium may be made in money, by post office order, postal note or cheque, payable at par certified by a chartered bank doing business in the Province: If the notice is given by registered letter, such repayment shall accompany the notice and in such case the ten days mentioned in Condition 9 shall commence to run from the day following the receipt of a registered letter at the post office to which it is addressed.

Repayment
of excess
premium.

12. Any person entitled to make a claim under this policy shall:

- (a) Give notice of claim in writing to the insurer not later than thirty days from the date of the accident or from the date of the commencement of disability from sickness; provided that failure to give notice shall not invalidate the claim if it is shown that it was not reasonably possible to give such notice within such time, and that notice was given as soon as was reasonably possible. Notice of
claim.
- (b) Furnish to the insurer such proof of claim as is reasonably possible in the circumstances of the happening of the accident or sickness and the loss occasioned thereby, within ninety days after the happening of the accident, or, in the case of sickness, within ninety days after the date of termination of the period of disability from sickness for which the insurer is liable. Proof of
claim.
- (c) If so required by the insurer, furnish a certificate from a licensed medical practitioner as to the cause and nature of the accident or sickness for which the claim is made and as to duration of the disability caused thereby. Medical
certificate.

13. The insurer shall, upon receiving notice of accident or sickness, furnish to the claimant such forms as are usually furnished by them for proofs of claim, and if such forms are not so furnished within fifteen days after receipt of such notice, the claimant shall be deemed to have complied with the requirements of the policy as to proof of claim, if he submits within the time fixed in this policy, for filing such proofs, a written statement of the happening and character of the accident or sickness and of the extent of the loss for which the claim was made.

Insurer to
furnish proof
of claim.

Right of examination including right to make an autopsy.

14. The insurer shall have the right, and the claimant shall afford to the insurer an opportunity, to examine the person of the insured when and as often as it may reasonably require while the claim hereunder is pending and also in the case of death of the insured to make an autopsy subject to any law of the Province relating to autopsies.

Claimant other than beneficiary must prove interest.

15. Any claim made under this policy by a claimant other than the beneficiary named in the policy, shall be subject to proof of the interest of the claimant.

Who may give notice and proofs of claim.

16. Notice of claim may be given and proofs of claim may be made by the agent of the insured, or of the beneficiary, in case of the absence of the insured or beneficiary or in case of inability of the insured or the beneficiary to give the notice or make the proof, such absence or inability being satisfactorily accounted for, or in the like case or if the insured refuses to do so, by a person to whom any part of the insurance money is payable.

When moneys other than for disability payable.

17. All moneys payable under this policy for loss other than that of time on account of disability shall be paid within 60 days after the receipt of proofs of claim.

When indemnity on account of disability payable.

18. The indemnity for loss of time on account of disability shall be paid within thirty days after proof of claim and as long as the insurer remains liable for the disability at the expiration of every succeeding sixty days, provided that the insurer may, in case the disability continues, require proof thereof for each such period of sixty days, which proof shall be furnished within ninety days after the termination of each period in respect of which the claim is made.

Right of insured to assign policy; preferred beneficiary.

19. Subject to the laws of the Province in which this contract is made, the insured may, without the consent of the beneficiary assign the policy and may, from time to time, change the beneficiary or revoke the benefits thereof, or make it entirely payable to himself or to his estate, provided that if the beneficiary is a preferred beneficiary under the statutes of the Province in which the contract is made, the rights of the insured and the beneficiaries hereunder shall be subject to such statutes.

Waiver.

20. The insurer shall not be deemed to have waived any condition of this policy either in whole or in part, unless the waiver is clearly expressed in writing, signed by the insurer.

Limitation of actions.

21. Any action or proceeding against the insurer for the recovery of any claim under this policy shall be commenced within one year after the cause of action arose.

190*d*.—(1) If the policy does not insure against accident, the words of Conditions numbers 3, 6, 12 and 13 relating to accident and printed in italics may be omitted from the policy. Certain conditions to be omitted from policy in special cases.

(2) If the policy does not insure against sickness, Condition No. 5, and also the words of Conditions 3, 6, 12 and 13 relating to sickness and printed in italics may be omitted from the policy.

(3) If the policy provides that the contract may not be terminated by the insurer at any time, the Conditions numbered 9, 10 and 11 may be omitted from the policy.

(4) If an entire condition is omitted pursuant to this section, there shall be inserted after the condition number the following words within brackets ("This condition is not applicable to this policy and is omitted pursuant to statute").

190*e*. Where a policy of accident insurance is issued in the form of a ticket through the agency of a railway corporation the statutory conditions set out in Section 190*c* of this Act need not be printed on the ticket if such policy contains the following notice printed in conspicuous type: "This policy is issued subject to the statutory conditions respecting contracts of accident insurance contained in Section 190*c*, of *The Ontario Insurance Act*." Accident ticket policy conditions need not be printed.

190*f*.—(1) If an insurer desires to vary, omit, or add to the statutory conditions or any of them except as provided in Sections 190*d* and 190*e*, there shall be printed in conspicuous type not less in size than ten point, and in red ink, immediately after such conditions, the proposed variations or additions or a reference to the omissions, with these introductory words: "This policy is issued on the above statutory conditions with the following variations, omissions and additions which are, by virtue of *The Ontario Insurance Act*, in force so far only as they shall be held to be just and reasonable to be exacted by the insurer." Variations in conditions.

(2) No variation, omission or addition except as provided in Sections 190*d* and 190*e* shall be binding upon the insured unless the foregoing provisions of this section have been complied with, and any variation, omission or addition shall be so binding only in so far as it is held by the court before which a question relating thereto is tried, to be just and reasonable. Effect of variations.

Use of
red ink.

190g. No red ink shall be used on the face of a policy except the name, address and emblem of the insurer, and the policy number, and for the purposes mentioned in this Act.

Relief from
forfeiture.

190h. In any case where there has been imperfect compliance with a statutory condition as to the proof of loss to be given by the insured or as to any matter or thing to be done or omitted by the insured after the maturity of the contract, and a consequent forfeiture or avoidance of the insurance in whole or in part, and the court deems it inequitable that the insurance should be forfeited or avoided on that ground, the court may relieve against the forfeiture or avoidance on such terms as it may deem just.

Rev. Stat.
c. 183,
amended.

13. *The Ontario Insurance Act* is amended by inserting the following sections:

Fire Insurance as Collateral Security.

198a—(1) A mortgagee shall not accept or be entitled to receive either directly or through his agent or employee, and no officer or employee of such mortgagee shall accept or receive any commission or other remuneration or benefit in consideration of effecting a contract of insurance or renewal thereof under which contract loss, if any, is payable to him as mortgagee.

(2) No insurer or agent or broker shall pay, allow or give any commission or other remuneration or benefit to a mortgagee or to any person in his employ or on his behalf, in consideration of effecting a contract of insurance or renewal thereof, under which contract loss, if any, is payable to him as mortgagee.

(3) Any insurer or other person who contravenes the provisions of this Section shall be guilty of an offence.

14. *The Ontario Insurance Act* is amended by adding the following sections, immediately after section 198a :—

Application.

198b. Sections 198b to 198m shall apply to automobile insurance and to any insurer carrying on the business of automobile insurance in Ontario.

- 198c. No contract shall be made for a term exceeding three years, but any contract may be renewed by the delivery of a renewal receipt or a new premium note. Term of contract.
- 198d.—(1) Subject to the provisions of subsection 4, an insurer shall not effect a contract of automobile insurance unless such insurer has received an application therefor in writing signed by the insured, or by his agent, authorized in writing signed by the insured. Written application.
- (2) A copy of the application shall be attached to and form part of the policy when issued by such insurer. Copy thereof.
- (3) The application shall set forth the insured's occupation or business, the description of the automobile insured, its purchase price to the insured, whether fully paid for or otherwise, whether purchased new or second-hand, particulars of any mortgage, lien or other encumbrance, the uses to which it is and will principally be put, the place where it is and will be principally maintained and garaged, the locality where it is and will be principally used, the fact of any accident in which an automobile owned or operated by the insured has been involved, the particulars of any claims made against and by the insured in respect of the ownership or operation of any automobile, whether any insurer has cancelled any automobile policy of the insured, or refused to issue automobile insurance to the insured and such further information as the insurer may require. Contents of application.
- (4) An insurer may, without a written application, effect a contract of insurance for a period not exceeding fourteen days and may issue an interim receipt or temporary binder in respect thereof. Temporary insurance.
- (5) Upon every written application there shall be printed or stamped in conspicuous type, not less in size than ten point and in red ink the following words: Notice to applicant on written application.

"If the applicant knowingly misrepresents or conceals any fact or circumstance required by this application to be made known, the contract of insurance shall be void as to the property or risk undertaken in respect of which the misrepresentations or omission is made."

Contents of policy.

198e. Every policy shall contain the name and address of the insurer, the name and address of the insured, the name of the person or persons to whom the insurance money is payable, if other than the insured, the premium for the insurance, the perils or risks insured against, the indemnity for which the insurer may become liable, the event on the happening of which such liability is to accrue, and the term of the insurance.

Limitation of risk.

198f. The contract may provide for the exclusion, from the risks insured against, of losses arising from any hazard or class of hazard expressly stated in the policy.

Statutory conditions.

198g. The conditions set forth in this section shall, subject to the provisions of sections 198h and 198i, be deemed to be part of every contract of automobile insurance in force in Ontario, and the said conditions shall be printed on every policy under the heading "Automobile Statutory Conditions."

Automobile Statutory Conditions.

Material facts.

1. All statements made by the insured upon the application for this policy shall, in the absence of fraud, be deemed representations and not warranties, and no such statement shall be used in defence of a claim under this policy unless it is contained in the written application for the policy and unless a copy of the application, or such part thereof as is material to the contract, is endorsed upon or attached to the policy when issued.

2. If any person applying for insurance falsely describes the property to the prejudice of the insurer or knowingly misrepresents or conceals or omits to communicate any circumstance which is required by the terms of the written application to be made known to the insurer, the contract shall be void as to the property or risk undertaken in respect to which the misrepresentation or omission is made. Misrepresentation.

3. Any change material to the risk, and within the control and knowledge of the insured, shall void the policy as to the part affected thereby, unless the change is promptly notified in writing to the insurer or its local agent; and the insurer when so notified may return the unearned portion, if any, of the premium paid and cancel the policy, or may notify the insured in writing that, if he desires the policy to continue in force, he must, within fifteen days of the receipt of the notice pay to the insurer an additional premium, and in default of such payment the policy shall no longer be in force and the insurer shall return the unearned portion, if any, of the premium paid. Material change in risk.

4. After a written application for insurance, it shall be deemed that any policy sent to the insured is intended to be in accordance with the terms of the application, unless the insurer points out by registered letter addressed to the insured the particulars wherein it differs from the application, in which case the insured may, within one week from the receipt of the notification, reject the policy. Form of contract.

5. The insurer shall not be liable under this policy while the automobile, with the knowledge, consent or connivance of the insured is being driven by a person under the age limit fixed by law, or, in any event, under the age of 16 years, or by an intoxicated person. Risks not covered.

Risks not
covered except
by permission.

6.—(1) Unless otherwise specifically stated in the policy, or endorsed thereon, the insurer shall not be liable:—

- (a) For loss or damage caused by earthquake, invasion, insurrection, riot, civil commotion, military or usurped power.
 - (b) If the interest of the insured in the automobile is other than unconditional and sole ownership.
 - (c) If the automobile is or becomes encumbered by any lien or mortgage.
 - (d) If there is any material change in the nature of the insurable interest of the insured in the automobile; by sale, assignment or otherwise, except through change of title by succession, or by death, or by an authorized assignment under *The Bankruptcy Act*.
 - (e) If at the time a loss, damage or accident occurs there is any other insurance, of the same interest, whether valid or not, covering said loss or damage, or any portion thereof, which would have been in force if this insurance had not been effected.
- (2) If permission has been given for other insurance under paragraph (e) of this condition, the insurer will be liable only for his rateable proportion of such loss or damage.

Inspection.

7. The insurer shall be permitted at all reasonable times to inspect the automobile and its equipment.

Accidents to
the persons
and property
of others.

8.—(1) Upon the occurrence of an accident involving bodily injuries or death, or damage to property of others, the insured shall promptly give written notice thereof to the insurer, with the fullest information obtainable at the time. The insured shall give like notice, with full particulars of any claim made on account of such accident, and every writ, letter, document or advice

received by the insured from or on behalf of any claimant shall be immediately forwarded to the insurer.

(2) The insured shall not voluntarily assume any liability or settle any claim except at his own cost. The insured shall not interfere in any negotiations for settlement or in any legal proceeding, but, whenever requested by the insurer, shall aid in securing information and evidence and the attendance of any witnesses, and shall co-operate with the insurer, except in a pecuniary way, in all matters which the insurer deems necessary in the defence of any action or proceeding or in the prosecution of any appeal.

(3) No action to recover the amount of a claim under this policy shall lie against the insurer unless the foregoing requirements are complied with and such action is brought after the amount of the loss had been ascertained either by a judgment against the insured after trial of the issue or by agreement between the parties with the written consent of the insurer and no such action shall lie in either event unless brought within one year thereafter.

9.—(1) Upon the occurrence of any loss of or damage to the insured automobile, the insured shall, if such loss or damage is covered by this policy;

Loss or damage to the automobile.

(a) Forthwith give notice thereof, in writing, to the insurer, with fullest information obtainable at the time, and shall, at the expense of the insurer, and as far as reasonably possible, protect the automobile from further loss or damage, and any such further loss or damage accruing directly or indirectly from a failure to protect shall not be recoverable hereunder. No repairs shall be undertaken or any physical evidence of the

loss or damage removed without the written consent of the insurer, except such repairs as are immediately necessary for the protection of the automobile from further loss or damage; or until the insurer has had a reasonable time to make the examination provided for in subsection 2 of this condition.

- (b) Deliver to the insurer within ninety days of the date of the loss or damage a statutory declaration stating the place, time and cause of the loss or damage, so far as the insured knows or believes, the interest of the insured and of all others in the automobile, the sound value thereof, the amount of loss or damage thereto, all encumbrances thereon, and all other insurance, whether valid or not, covering the automobile and that the loss or damage did not occur through any wilful act or neglect, procurement, means or connivance of the insured;
- (2) After any loss or damage to an insured automobile, the insurer shall have right of access to and examination of such automobile by accredited agents of the insurer sufficient to enable such agents to ascertain the amount of the damage sustained.
- (3) The insured shall submit to examination under oath, and shall produce for examination, at such reasonable place as is designated by the insurer or its representative, all books of account, bills, invoices and other vouchers, in his possession or control which relate to the matters in question, and shall permit extracts and copies thereof to be made.
- (4) The insurer shall not be liable beyond the actual cash value of the automobile at the time any loss or damage occurs, and the loss or damage shall be ascertained or estimated according to such actual cash value with proper deduction for depreciation, however caused, and shall in no event

exceed what it would cost to repair or replace the automobile or any part thereof with material of like kind and quality; provided, that in the event of any part of the automobile being obsolete and out of stock the liability of the insurer in respect thereof shall be limited to the value of such part at the time of loss or damage not exceeding the maker's last list price; the ascertainment or estimate of such loss or damage shall be made by the insured and the insurer, or if they disagree, then by appraisers, as hereunder provided.

- (5) Except where an appraisal has been had, the insurer, instead of making payment, may within a reasonable time repair, rebuild or replace the property damaged or lost with other of like kind and quality, giving written notice of its intention so to do within seven days after receipt of the proofs of loss; but there can be no abandonment of the automobile to the insurer without its consent. In the event of the insurer exercising such option, the salvage, if any, shall revert to it.
- (6) In the event of disagreement as to the nature and extent of the repairs and replacements required, or as to their adequacy, if effected, or as to the amount payable in respect of any loss or damage, such questions shall be determined by appraisers before recovery can be had hereunder, whether the right to recover on the policy is disputed or not and independently of all other questions. The insured and the insurer shall each select one appraiser, and the two so chosen shall then select a disinterested umpire. Thereafter the two appraisers together shall estimate or appraise the loss or damage, stating separately sound value and damage, or determine the adequacy of such repairs or replacements, and failing to agree, shall submit their differences to the umpire.

- (7) In case either party fails to name an appraiser within seven clear days after being served with written notice so to do, or in case the appraisers fail to agree upon an umpire within fifteen days after their appointment, or in case an appraiser or umpire refuses to act or is incapable of acting, or dies, a judge of a superior, county or district court having jurisdiction in the county or district in which the appraisal is to be made may appoint such appraiser or umpire on the application of the insured or of the insurer.
- (8) An award in writing of the two appraisers, or of one appraiser and the umpire, shall determine the nature and extent or adequacy of the repairs and replacements, or the amount of such loss or damage.
- (9) Each party shall pay the appraiser selected by him, and shall bear equally the other expenses of the appraisal and of the umpire.
- (10) Neither the insurer or the insured shall be deemed to have waived any provision or condition of this policy by any act relating to the appraisal, or to the delivery and completion of proofs of loss, or to the investigation or adjustment of the claim.
- (11) The sum for which the insurer is liable hereunder for loss or damage shall be payable within sixty days after the proof of loss herein required has been received by the insurer, but if appraisal is demanded, then within fifteen days after the award has been made by the appraisers. No suit or action however, may be brought for the recovery of any claim unless the insured has complied with the foregoing requirements, nor unless such action is commenced within one year after the happening of the loss.

10. Notice of claim may be given and proofs of claim may be made by the agent of the insured, in case of the absence of the insured or in case of inability of the insured to give the notice or make the proof, such absence or inability being satisfactorily accounted for, or in the like case or if the insured refuses to do so by a person to whom any part of the insurance money is payable. Who may give notice and proofs of claim.
11. Any fraud or wilfully false statement made under oath or in a declaration in relation to any of the above particulars shall vitiate the claim of the person making the declaration in any matter affected by such fraud or false statement. Fraud
12. The insurer on paying the loss shall be subrogated to the extent of such payment to all right of recovery against any third party, and on such payment, or on assuming liability therefor may require from the insured a transfer of his rights against such third party, and the insured shall execute all documents properly required by the insurer to secure to it such rights. Subrogation.
- 13.—(1) This policy may be cancelled at any time at the request of the insured, and the insurer shall, upon surrender of the policy, refund the excess of paid premium above the customary short rate premium for the time the policy has been in force. Cancellation.
- (2) This policy may be cancelled at any time by the insurer giving to the insured fifteen days' notice in writing of cancellation by registered mail, or five days' notice of cancellation personally delivered, and refunding the excess of paid premium beyond the *pro rata* premium for the expired time. Repayment of excess premiums may be made by money, post office order, postal note or cheque. Such repayment shall accompany the notice, and in such case, the fifteen days above mentioned shall commence to run from the day following the receipt of the registered letter at the post office to which it is addressed.

Waiver.

14. No condition or provision of this policy, either in whole or in part, shall be deemed to have been waived or altered by the insurer unless the waiver is clearly expressed in writing signed by the manager of the insurer or its chief agent for Canada or this Province.

Notice.

15. Any written notice to the insurer may be delivered at or sent by registered post to the chief agency or head office of the insurer in this Province. Written notice may be given to the insured by letter personally delivered to him or by registered letter addressed to him at his last post office address, notified to the insurer, or, where no address is notified and the address is not known, addressed to him at the post office of the agency, if any, from which the application was received.

Conditions
8 and 9 may
be omitted in
certain cases.

- 198h.—(1) If the policy does not insure against accident to persons or damage to property of others than the insured, condition number 8 may be omitted from the policy.

- (2) If the policy does not insure against loss or damage to the insured automobile, condition number 9 may be omitted from the policy.

- (3) If a condition is omitted pursuant to this section there shall be inserted, after the Condition number, the following words, within brackets, "*[This Condition is not applicable to this policy and is omitted pursuant to statute].*"

Variations
in conditions.

- 198i.—(1) If an insurer desires to vary, omit or add to the automobile statutory conditions or any of them, except as provided in the preceding section, there shall be printed in conspicuous type, not less in size than ten point, and in red ink, immediately after such conditions, the proposed variations or additions or a reference to the omissions with these introductory words:

"Variations in Conditions.

"This policy is issued on the above statutory conditions with the following variations, omissions and additions, which are by virtue of *The Ontario Insurance Act*, in force so far only as they shall be held to be just and reasonable to be exacted by the insurer."

- (2) No variation, omission or addition shall be binding on the insured unless the foregoing provisions of this section have been complied with; and any variation, omission or addition shall be so binding only in so far as it is held by the court before which a question relating thereto is tried to be just and reasonable. Variation to be just and reasonable.
- (3) Where permission is given in the statutory conditions for extension of the insurance to additional risks or coverage by the use, in the statutory conditions, of the word "unless otherwise specifically stated in the policy" or words to the like effect, such extension expressly made in the policy shall not be deemed to be a variation of the statutory conditions within the meaning of this section. Extension of cover not a variation.
- 198j. No red ink shall be used on the face of a policy except the name, address and emblem of the insurer, and the policy number and for the purposes mentioned in this Act. Use of red ink.
- 198k. In any case where there has been imperfect compliance with a statutory condition as to the proof of loss to be given by the insured, or as to any matter or thing to be done or omitted by the insured after the maturity of the contract, and a consequent forfeiture or avoidance of the insurance, in whole or in part, and the court deems it inequitable that the insurance should be forfeited or avoided on that ground, the court may relieve against the forfeiture or avoidance on such terms as it may deem just. Relief from forfeiture.

Partial
payment
of Loss
Clause.

198l.—(1) A policy may contain a partial payment of loss clause to the effect that the insurer in the event of loss shall pay only an agreed proportion of any loss which may be sustained or the amount of the loss after deduction of a sum specified in the policy, in either case not exceeding the amount of the insurance, in which case there shall be printed or stamped upon the face of the policy in conspicuous type in red ink, the words: "This policy contains a partial payment of loss clause."

Clause not to
be deemed
an addition
or variation.

(2) Such partial payment of loss clause shall not be deemed an addition to the statutory conditions or be subject to the provisions of section 198i.

Prohibition
of action
before
award of
appraisers.

198m. Where by the statutory conditions of an automobile insurance policy the holding of an appraisal is provided for in the event of a dispute as to the amount of the loss or the adequacy of the repairs under the policy, no action shall be brought to recover the amount secured by the policy if the amount of the loss or the adequacy of the repairs is in dispute, until the award of the appraisers has been rendered in accordance therewith, and in any such action the award of the appraisers shall be conclusive as to the amount of the loss, or the adequacy of the repairs.

Rev. Stat. c.
183, s. 219,
subs. 4,
clause a.
Valuation of
annuities.

15. Clause (a) of subsection 4 of section 219 of *The Ontario Insurance Act* is amended by striking out the words "in Schedule C" and inserting in lieu thereof "in section 107."

Rev. Stat. c.
183 amended.

16. *The Ontario Insurance Act* is amended by adding thereto the following Part :

PART V.

PROVISIONS RELATING TO AGENTS, BROKERS AND ADJUSTERS.

Interpreta-
tion.

246. In this Part :

Adjuster"

(1) "adjuster" shall mean a person who, for compensation, not being a barrister or solicitor acting in the usual course of his profession or a trustee or an agent of the property insured, directly or indirectly so-

licits the right to negotiate the settlement of a loss under a fire insurance policy on behalf of the insured or the insurer or holds himself out as an adjuster of losses under fire insurance policies.

- (2) "agent" shall mean a person who, for compensation, not being a duly licensed insurance broker or a person acting under the authority of subsection 14 or 15 of section 247, solicits insurance on behalf of any insurer or transmits, for a person other than himself, an application for or a policy of insurance to or from such insurer or offers or assumes to act in the negotiation of such insurance or in negotiating its continuance or renewal. "Agent"
- (3) "broker" shall mean a person who, for compensation, not being a licensed agent or a person acting under the authority of subsections 14 or 15 of section 247, acts or aids in any manner in negotiating contracts of insurance or placing risks or effecting insurance or in negotiating the continuance or renewal of such contracts for a person other than himself. "Broker"

Licenses of Insurance Agents.

- 247.—(1) The Superintendent may issue to licensing agents.
any person who has complied with the requirements of this Act a license authorizing such person to carry on business as an insurance agent subject to the provisions of **this Act** and to the terms of the license.
- (2) Licenses so issued shall be of two classes: Classification.
- (a) Licenses for life insurance, or life and accident insurance, or life and accident and sickness insurance;
- (b) Licenses for any classes of insurance other than life insurance.
- (3) Upon written notice to the Superintendent Issue of license.
that a licensed insurer has appointed a person to act as his agent in Ontario and **upon due** application of such person and

payment by him of a fee of three dollars, the Superintendent shall, if he is satisfied that the applicant is a suitable person to receive a license and intends to hold himself out publicly and carry on business in good faith as an insurance agent, issue to the applicant a license which shall state in substance that the holder is, during the term of the license, authorized to carry on within Ontario the business of an insurance agent.

Notice of
appointment
of agent.

- (4) Such notice of appointment by an insurer shall be upon a form furnished by the Superintendent and shall state that the appointee has been authorized in writing by the insurer to act as agent in the soliciting of and negotiating for insurance and shall be accompanied by a sworn statement of the appointee on a form furnished by the Superintendent which shall give the name, age, residence and present occupation of the applicant and his occupation for the five years next preceding the date of the notice and particulars of any other employment in which he may be engaged and such other information as the Superintendent may require.

Limitations
of License.

- (5) Where the applicant is the appointee of an insurer carrying on in Ontario the business of life insurance, or life and accident insurance, or life and accident and sickness insurance, the license shall expressly limit the authorization of the agent to the class of insurance for which the insurer is licensed; and when the applicant is the appointee of an insurer carrying on in Ontario any class or classes of insurance business other than life insurance, the license shall expressly exclude the business of life insurance, but nothing herein shall prevent the issue to the same applicant of two licenses including all classes of insurance if due application has been made for two licenses.

- (6) Where the agency, upon notice of which a license is issued, is terminated, notice in writing shall forthwith be given by the insurer to the Superintendent of such termination, with the reason therefor, and thereupon the license shall be *ipso facto* suspended, but such license may be revived subject to the approval of the Superintendent upon filing of notice of a new agency appointment and upon payment of a fee of one dollar. Notice of termination of agency, suspension and revival.
- (7) An insurer who fails to notify the Superintendent within thirty days of the termination of an agency appointment as required by the preceding subsection shall be guilty of an offense. Failure to give notice.
- (8) A license issued under this section may be revoked by the Superintendent if, after due investigation and a hearing, he determines that the holder of such license (a) has violated any provision of *The Ontario Insurance Act* by any act or thing done in respect to insurance for which such license is required; or (b) has made a material mis-statement in the application for such license; or (c) has been guilty of a fraudulent practice; or (d) has demonstrated his incompetency or untrustworthiness to transact the insurance agency business for which such license has been granted, by reason of anything done or omitted in or about such business under the authority of such license. Revocation
- (9) In determining the granting or refusal of an application for a license or renewal of license, or the cancellation of any existing license, the Superintendent may, and shall when so requested in writing by the applicant or licensee, nominate an advisory board before which the hearing provided for in the preceding subsection shall be had, on which board there shall be a representative of insurers and a representative of agents, and a representative of the Superintendent, and the decision of the Advisory Board to Report on Complaint.

Superintendent rendered after the hearing and on the advice of such board shall be final and binding upon all parties concerned and shall not be subject to appeal.

**Term of
license.**

- (10) A license issued hereunder shall expire on the thirtieth day of September next after its issue unless automatically revoked by notice pursuant to subsection 4 hereof or unless revoked or suspended by the Superintendent; but such license may, in the discretion of the Superintendent, be renewed for a succeeding year upon due application upon a form prescribed by the Superintendent giving such information as he may require, accompanied by a certificate of agency appointment of a licensed insurer and payment of a fee of three dollars, without requiring anew the detailed information hereinbefore specified.

Renewal.

**Form and
Condition of
renewal
licenses.**

- (11) The Superintendent may issue renewal licenses upon due application upon a form prescribed by the Superintendent giving such information as he may require of persons, to whom certificates of authority as insurance agents have been issued during the year ended September thirtieth, 1922, pursuant to the provisions of *The Ontario Insurance Act*, without requiring anew the detailed information hereinbefore specified, and such renewal license shall have the same force and effect as if it had been issued in the renewal of a license issued under the provisions of this section.

**Authority
of agents.**

- (12) The holder of a license under this section as agent for insurance other than life insurance may, during the term and validity of his license, act as agent for any licensed insurer within the limits prescribed by his license and may act as an insurance broker in dealing with licensed insurers without other or additional license.

- (13) A collector of insurance premiums who does not solicit application for or the renewal or continuance of insurance contracts or act or aid in negotiating such contracts or the renewal thereof, may carry on such business without a license therefor, provided that the collection fee does not exceed five per centum of any amount collected. Licenses not required, under what circumstances. Collectors.
- (14) A member of a duly registered friendly or fraternal society or mutual fire insurance corporation may, without a license, solicit persons to become members of such society or corporation. Members of fraternal societies and mutuals.
- (15) A salaried employee who does not receive commissions or an officer of a licensed insurer, or an attorney, or salaried employee of a reciprocal or inter-insurance exchange at which no commission is paid except to such attorney, or an employee of a licensed agent or broker who does not receive commissions and who acts only in the name and on behalf of such licensed agent or broker may, without a license, act for such insurer, exchange, agent or broker in the negotiation of any contracts of insurance or in the negotiation of the continuance or renewal of any contracts which the insurer, exchange, agent or broker may lawfully undertake: provided that in the case of insurers authorized to undertake life insurance, only the officers and salaried employees of the head office who do not receive commissions may so act without a license. Salaried officials, etc.
- (16) Every person who assumes to act as an agent without the license required by this section, or while his license as such is suspended, shall be guilty of an offense. Penalty where not licensed.

Licenses of Insurance Brokers.

- 248.—(1) The Superintendent may, upon the payment of a fee of ten dollars, issue to any suitable person resident in Canada a license to act in Ontario as an insurance Licenses of insurance brokers.

broker to negotiate, continue or renew contracts of insurance other than life insurance or to place risks or effect insurance with any duly licensed insurer or its agent.

Application
to be filed
with Superin-
tendent.

- (2) The applicant for such license shall file with the Superintendent a written application under oath upon a form provided by the Superintendent in which the applicant shall state his name, age, residence and occupation at the time of making the application, his occupation for the five years next preceding the date of the application and such other information as the Superintendent may require. The applicant shall declare that he intends to hold himself out publicly and carry on business in good faith as an insurance broker and he shall furnish a statement as to his trustworthiness and competency signed by at least three reputable persons resident in Ontario.

Superin-
tendent may
issue license.

- (3) If the Superintendent is satisfied with the statement and information required by the preceding subsection he shall issue the license applied for, and the license shall expire at the end of one year from its date unless sooner revoked or suspended.

Renewal of
license.

- (4) The license may, in the discretion of the Superintendent, be renewed upon payment of the fee of ten dollars for each succeeding year without requiring anew the detailed information hereinbefore specified.

Revocation or
Suspension of
License.

- (5) The Superintendent may, for cause shown and after a hearing, revoke the license, or may suspend it for a period not exceeding the unexpired term thereof, and may for cause shown and after a hearing revoke the license while so suspended, and shall notify the licensee in writing of such revocation or suspension and may publish a notice of such revocation or suspension in such manner as he may deem necessary for the protection of the public.

- (6) Any person other than a licensed agent who assumes to act as an insurance broker without a license or during a suspension of his license shall be guilty of an offense. Penalty for acting without license.
- (7) Subject to the provisions of section 251 a broker shall not be presumed to be the agent of the insurer or the agent of the insured by reason of the issue to him of a license under this section. License not to import agency.
249. In addition to issuing insurance brokers' licenses giving full authority to the licensee as set forth in the preceding sections, the Superintendent may issue insurance brokers' licenses limiting the authority of the licensee to the extent agreed upon with the applicant and set forth in the license, but in other respects the granting of such licenses and the brokers so licensed shall be subject to this Act. License may be granted limiting authority of licensee.

*Brokers' Licenses for Business with
Unregistered Corporations.*

- 250.—(1) The Superintendent may, upon the payment of a fee of twenty-five dollars, issue to any suitable person resident in Ontario, a license to act as a special insurance broker to negotiate, continue or renew contracts of fire insurance on property in Ontario in insurers not authorized to transact such business in Ontario. License to special insurance broker.
- (2) The applicant for such license shall file with the Superintendent a written application under oath as prescribed by section 248. Application to be filed with Superintendent.
- (3) If the Superintendent is satisfied with the statements and information required, he shall issue the license applied for subject to suspension or revocation in the discretion of the Superintendent, which license shall expire at the end of one year from its date unless sooner suspended or revoked. Expiration of license.

Renewal of
License.

Affidavit to
be filed with
with Superin-
tendent.

When licensee
may effect
insurance
with
unlicensed
insurers.

Records to
be kept.—
Inspection.

- (4) The license may, in the discretion of the Superintendent, be renewed for each succeeding year upon payment of a fee of twenty-five dollars without requiring anew the detailed information specified by section 248.
- (5) Every person shall, before receiving such license, execute and deliver to the Superintendent security to the satisfaction of the Superintendent in the sum of not less than five thousand dollars that the licensee will faithfully comply with all the requirements of this Act.
- (6) Where sufficient insurance on property in Ontario cannot be obtained at reasonable rates or on the form of contract required by the insured from insurers licensed to do business in Ontario, the person named in such license may effect insurance with unlicensed insurers, but shall in the case of every insurance effected under this section obtain from the insured a signed and dated statement describing the property insured, its location and the amount of insurance required and stating that the insurance cannot be obtained in licensed companies and that the application for such insurance at the stated rate of premium was previously made to and refused by named companies licensed in Ontario. The person named in such license shall, within ten days after the placing of such insurance with unlicensed insurers, submit to the Superintendent a statement setting forth the name of the insured, the property insured and its location, the full names of the unlicensed insurers, and the amount of insurance placed with each and the rate and amount of premium paid to each.
- (7) Every such licensee shall keep a separate account of insurance effected by him under his license in books in the form prescribed by the Superintendent, which shall be open to inspection by the Superintendent or any officer of the Department.

- (8) Within ten days after the end of each month every such licensee shall make to the Superintendent a return under oath in the form and manner by him prescribed containing particulars of all insurances effected under this section by the licensee during such month; Monthly return.
- (9) In respect of all premiums on insurance effected under a license, the licensee shall pay to the Department such taxes as would be payable if such premiums had been received by a licensed insurer, and payment thereof shall accompany the monthly return provided for in the preceding subsection. Tax on premiums.
- (10) On it being shown to the satisfaction of the Minister that all insurances effected under this section are no longer in force or have been reinsured, the licensee shall be entitled to a release or cancellation of his security. Release of security given to licensee.
- (11) Every person licensed under this section who contravenes any of the foregoing provisions of this section shall forfeit his license and shall be guilty of an offense. Forfeiture of license.
- Provisions Relating to Agents and Brokers Generally.*
- 251.—(1) An agent or broker shall, for the purpose of receiving any premium for a contract of insurance be deemed to be the agent of the insurer notwithstanding any conditions or stipulations to the contrary. Agent or Broker receiving premiums.
- (2) This section shall not apply to life insurance. Application of section limited.
252. An agent or broker who knowingly procures by fraudulent representations, payment or the obligation for payment of any premium on an insurance policy, shall be guilty of an offense. Fraudulent representations.

Personal
liability
of agent for
unlawful
contracts.

253. An agent or broker shall be personally liable to the insured on all contracts of insurance unlawfully made by or through him directly or indirectly with any insurer not licensed to undertake insurance in Ontario, in the same manner as if such agent or broker were the insurer.

Licenses of Insurance Adjusters.

Licenses of
insurance
adjusters.

- 254.—(1) The Superintendent may, upon the payment of a fee of ten dollars, issue to any suitable person a license to act as an adjuster.

Application
to be filed
with Super-
intendent.

- (2) The applicant for such license shall file with the Superintendent a written application under oath upon a form provided by the Superintendent in which the applicant shall state his name, age, residence and occupation for the five years next preceding the date of the application and such other information as the Superintendent may require, and the applicant shall furnish a statement as to his trustworthiness and competency signed by at least three reputable persons resident in Ontario.

License to be
in force one
year.

- (3) If the Superintendent is satisfied with the statements and information required, he shall issue the license which shall be in force one year from its date unless sooner revoked or suspended.

Renewal of
license.

- (4) A license may, in the discretion of the Superintendent and upon payment of a fee of ten dollars, be renewed for each succeeding year without requiring anew the detailed information hereinbefore specified.

Revocation or
suspension of
license.

- (5) The Superintendent may, for cause shown and after a hearing, revoke the license, or may suspend it for a period not exceeding the unexpired term thereof, and may, for cause shown and after a hearing, revoke the license while so suspended, and shall notify the licensee in writing of such revocation or suspension.

- (6) Any person who acts as an adjuster without such a license or during a suspension of his license, shall be guilty of an offense. Penalty for acting without license.

Partnership Licenses of Agents, Brokers and Adjusters.

- 255.—(1) Licenses as agents, brokers or adjusters may be issued to partnerships on the conditions hereinbefore specified for the issue of such licenses to individuals except as otherwise provided in this section. Licenses to partnership.
- (2) Each member of the partnership shall file the statement or application and pay the fee required by this Act, including a written request that the license be issued in the name of the partnership. The license may be revoked or suspended as to one or more members of the partnership. Statement to be filed by each partner.
- (3) If the partnership is terminated prior to the expiration of the license, the partners shall forthwith give notice to the Superintendent, who shall, thereupon, revoke the license. Notice of termination of partnership to be given to Superintendent.
- (4) Any member of a partnership licensed under this Section who contravenes any of the provisions hereof, shall be guilty of an offense. Failure to give notice of termination of partnership.

Corporation Licenses of Agents, Brokers and Adjusters.

- 256.—(1) Licenses as agents, brokers or adjusters may be issued to any corporation which is incorporated expressly for the purpose of acting as an insurance agent, broker or adjuster or for that and other purposes. Licenses to corporations
- (2) Licenses as agents or brokers shall not be issued to a corporation whose head office is outside of Canada or if it appears to the When licenses not to be issued.

Superintendent that the application is made for the purpose of acting as agent or broker wholly or chiefly in the insurance of property owned by the corporation or by its shareholders or members.

Licenses; to what to be subject.

- (3) Except as otherwise provided in this Section, such licenses, and the corporation and officers of the corporation named in the license, shall be subject to the provisions of this Act with respect to agents, brokers and adjusters.

Officers who may act under license.

- (4) The license shall specify the officers who may act thereunder in the name and on behalf of the corporation and every such officer shall file a statement or application and pay the fee required by this Act for individual agents, brokers or adjusters provided that, employees who do not receive commissions and who act only in the name and on behalf of the corporation may so act by authority of the corporation license although not named therein.

Revocation and suspension of license.

- (5) A license may be revoked or suspended as to the corporation or as to any officers named therein.

Superintendent may require information.

- (6) If the principal business of a corporation licensed under this section is not the business of an insurance agent or broker or adjuster, the Superintendent may require from such a corporation such information as he deems necessary in respect to the corporation its officers and affairs and may make such examination of its books and affairs as he deems necessary for the purpose of this Act.

Notice of dissolution of corporation.

- (7) Any corporation licensed under this section shall forthwith notify the Superintendent in writing of the dissolution or revocation of the charter of the corporation and upon receipt of such notice the Superintendent shall forthwith revoke the license.

- (8) Every officer specified in the license who contravenes any of the provisions of this Section shall be guilty of an offense and shall be personally liable therefor, although such contravention is committed in the name and on behalf of the corporation, and the corporation shall be liable for any such contravention the responsibility for which cannot be placed upon any such officer.

Provisions Relating to Agents, Brokers and Adjusters Generally.

257. Any person who not being duly licensed as an agent, broker or adjuster, represents or holds himself out to the public as being such an agent, broker or adjuster, or as being engaged in the insurance business by means of advertisements, cards, circulars, letterheads, signs or other methods, or being duly licensed as such agent, broker or adjuster, advertises as aforesaid or carries on such business in any other name than that stated in the license, shall be guilty of an offense.
258. An agent or broker who acts in negotiating, or renewing or continuing a contract of insurance, other than life insurance, with a licensed insurer, and who receives any money or substitute for money as a premium for such a contract from the insured, shall be deemed to hold such premium in trust for the insurer, and, if he fails to pay the same over to the insurer within fifteen days after written demand made upon him therefor, less his commission and any deductions to which, by the written consent of the company, he may be entitled, such failure shall be *prima facie* evidence that he has used or applied the said premiums for a purpose other than paying the same over to the insurer.

Personal
liability
of officers.

Penalty for
acting as
agent, broker
or adjuster.

Agent to be
deemed to
hold premium
in trust for
insurer.

No compensation to be paid by insurer to person not licensed.

259. No insurer, and no officer, employee, or agent thereof and no broker shall directly or indirectly pay or allow, or agree to pay or allow, compensation or anything of value to any person for placing or negotiating insurance on lives, property or interests in Ontario, or negotiating the continuance or renewal thereof, or for attempting so to do, who, at the date thereof, is not a duly licensed insurance agent or broker or a person acting under the authority of subsections (14) and (15) of section 247, and whoever knowingly violates the provisions of this section shall be guilty of an offense.

Returns to Superintendent.

260. Every licensed insurer shall make a return under oath to the Superintendent in such form and at such times as he may require, showing all persons, partnerships and corporations duly authorized as its agents in Ontario, and of persons, partnerships or corporations to whom it has, within such period as the form of return may require, paid or allowed, or agreed to pay or allow, directly or indirectly, compensation for placing or negotiating insurance on lives, property or interests in Ontario, or negotiating the continuance or renewal thereof, or for attempting to do so.

Appeal.

261. If the Superintendent refuses, suspends or revokes a license applied for by or issued to a broker or adjuster he shall state in writing his reasons therefor and any person who deems himself aggrieved by the decision of the Superintendent may appeal therefrom to the Minister and in case of an appeal the decision of the Superintendent shall not take effect until after the hearing and disposition thereof by the Minister.

Rev. Stat.
c. 183,
amended.

17. *The Ontario Insurance Act* is amended by adding thereto the following Part:

PART VI.

RATES AND RATING BUREAUS.

262. In this Part:

Interpretation

"Rating bureau" shall mean any association or body incorporated or unincorporated, created or organized for the purpose of fixing or promulgating rates of premium payable upon contracts of insurance in Ontario, or the terms or conditions of such contracts, or for these and other purposes, or which assumes to fix or promulgate such rates, terms or conditions by agreement among the members thereof or otherwise.

"Rating Bureau."

263. Every rating bureau shall, on or before the first day of July, 1922, in the case of rating bureaus heretofore organized or incorporated and in operation at the time of the passing of this Act, and forthwith after adoption in the case of rating bureaus hereafter organized or incorporated, file in the office of the Superintendent duly certified copies of its constitution, articles of association, and by-laws, and a list of members of such bureaus and their addresses, and thereafter shall file in the office of the Superintendent every amendment, revision or consolidation of its constitution, articles of association and by-laws, and notice of the admission of new members and the withdrawal of former members, within thirty days after the passing or adoption of such amendment, revision or consolidation, or after the admission or withdrawal of such members.

Filing of constitution, by-laws and so forth in office of superintendent.

264. No rating bureau and no insurer authorized to transact the business of insurance within Ontario shall fix or make any rate or schedule of rates or charge a rate which discriminates unfairly between risks within Ontario of essentially the same hazard, or, if such rate be a fire insurance rate, which

Discrimination in rates.

discriminates unfairly between risks in the application of like charges or credits or which discriminates unfairly between risks of essentially the same hazard and having substantially the same degree of protection against fire.

Authority to
require infor-
mation to be
filed.

265.—(1) The Superintendent may on written complaint by an insured that discrimination exists, give notice in writing to a rating bureau or insurer, requiring such rating bureau or insurer to file with the Superintendent any schedules of rates or particulars showing how any specific rate is made up and any other information in connection therewith which he deems necessary or desirable.

Time limit
for filing
information.

(2) Such rating bureau or insurer shall, within five days after the receipt of the notice, file with the Superintendent the schedules, particulars and other information required.

Issue of order
prohibiting
rate.

(3) The Superintendent may, within thirty days after the receipt of the information required, make an order prohibiting any rate which, in his opinion, contravenes the provisions of section 263 and directing the discrimination to be removed.

Notice of
order.

(4) The Superintendent shall forthwith deliver to the rating bureau or insurer a copy of such order and reasons therefor and shall cause notice thereof to be published forthwith in the *Ontario Gazette*.

Rating bureau
not to increase
rate.

(5) No rating bureau or insurer shall remove such discrimination by increasing the rates on any risk or class of risks affected by such order unless it be made to appear to the satisfaction of the Superintendent that such increase is justifiable.

Penalty.

(6) Any rating bureau, insurer or other person failing to comply with any provision of such order shall be guilty of an offence.

- (7) Any Order made under this section shall not take effect for a period of thirty days after its date and shall be subject to appeal within that time in the manner provided by section 92 of this Act and in the event of an appeal the Order of the Superintendent shall not take effect pending the disposition of the appeal.
- Effect of order; appeal.

266. The Superintendent or any person authorized under his hand and seal of office shall at all times have access to all such books, securities or documents of a rating bureau or insurer as are related to the schedules of rates of the rating bureau or insurer; and any officer or person in charge, possession, custody or control of such books, securities or documents who refuses or neglects to afford such access shall be guilty of an offence.
- Superintendent to have access to books.

- 267.—(1) The Superintendent may inquire into any question which an insurer, insured or a rating bureau may bring before him with regard to insurance rates fixed by any rating bureau or charged by an insurer and also with regard to any other question arising out of the relationship or proposed relationship of the parties with reference to the insurance in question.
- Inquiry by superintendent.

- (2) The Superintendent shall not make any order pursuant to an enquiry under this section, but the result of such inquiry shall be reported in his Annual Report.
- Report of superintendent.

18.—(1) Subsection 3 of section 2 and section 14 of this Act shall come into force on the first day of January 1923.

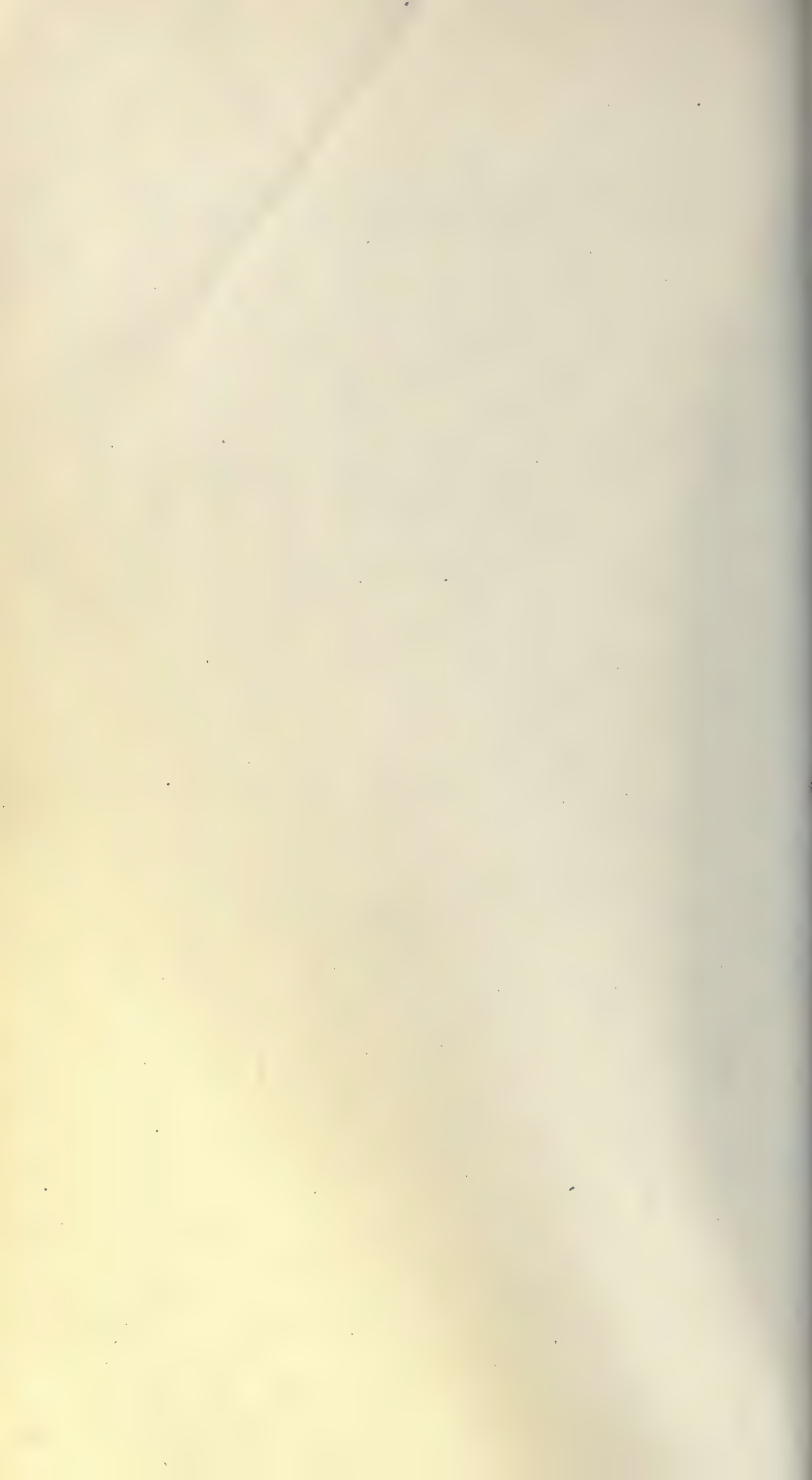
Commencement of Automobile Provisions.

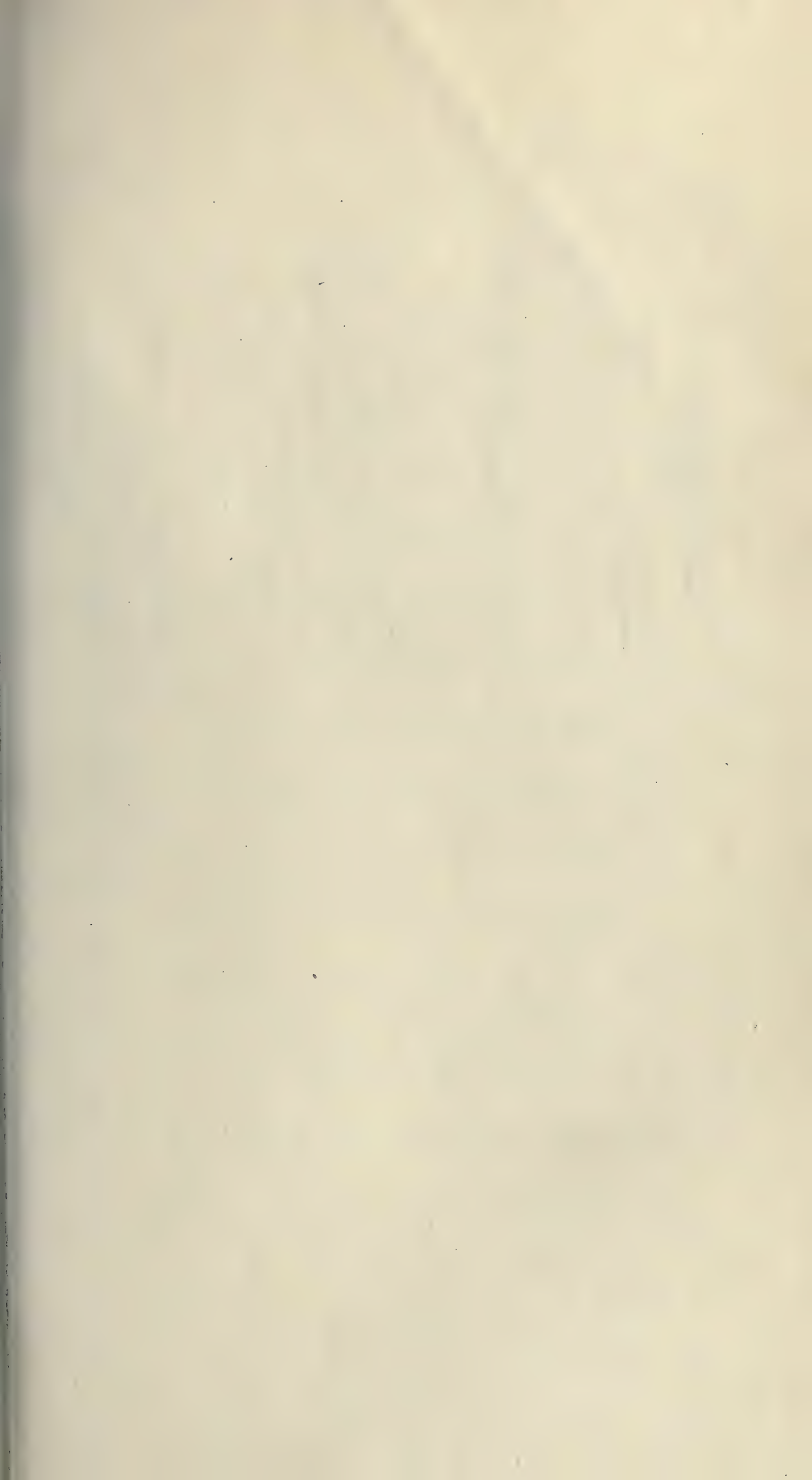
(2) Subsections 1 and 4 of section 2 and sections 11 and 12 of this Act shall come into force on a day to be named by the Lieutenant-Governor in Council by his proclamation.

Commencement of Accident and Sickness Provisions.

Commence-
ment of
remainder
of Act.

(3) Except as provided in subsections 1 and 2 hereof this Act shall come into force and take effect on the day upon which it receives Royal Assent.





No. 66.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act to amend The Ontario
Insurance Act.

1st Reading,	21st February, 1922.
2nd Reading,	4th April, 1922.
3rd Reading,	1922.

*(Reprinted as amended and consolidating
Bills Numbers 61, 62, 64, 65 and 66*

MR. RANEY.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting Professional Engineers.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Professional Engineers' Act, 1922*.

2. In this Act, unless the context otherwise requires, the ^{Interpreta-} expression—

- (a) "Association" shall mean the Association "Association" of Professional Engineers of the Province of Ontario.
- (b) "Board" shall mean the Board of Exam- "Board." iners of the Association.
- (c) "Council" shall mean the Council of the "Council." Association.
- (d) "Licensed" shall mean that permission has "Licensed." been granted by the council to a non-resident engineer to practise temporarily without being registered, and "License" shall "License." mean the official certificate under the seal of the Association evidencing such permission.
- (e) "Member" shall mean a Registered Mem- "Member." of the Association.
- (f) "President" shall mean the President of "President." the Association.

"Professional Engineering."

(g) "Professional Engineering" save as herein-after mentioned, shall mean the advising on, the reporting on, the designing of, the supervising of the construction of, all public utilities, industrial works, railways, tramways, bridges, tunnels, highways, roads, canals, harbour works, light houses, river improvements, wet docks, dry docks, floating docks, dredges, cranes, drainage works, irrigation works, waterworks, water purification plants, sewerage works, sewage disposal works, incinerators, hydraulic works, power transmission, steel, concrete and reinforced concrete structures, electric lighting systems, electric power plants, electric machinery, electric apparatus, telephone systems, telegraph systems, cables, wireless plants, mineral property, mining machinery, mining development, mining operations, gas and oil developments, smelters, refineries, metallurgical machinery, and equipment and apparatus for carrying out such operations, machinery, steam engines, hydraulic turbines, pumps, internal combustion engines and other mechanical structures, chemical and metallurgical machinery, apparatus and processes, aeroplanes, air ships, and all other engineering works. Provided that the execution by a contractor or his assistants of work designed by a professional engineer, or the direction of work as otherwise defined in this clause by a superintendent of construction, or superintendent of maintenance, or their subordinates, when working from designs, or upon advice of a professional engineer, shall not be deemed to be the practice of professional engineering within the meaning of this Act.

Proviso.

"Registered."

(h) "Registered" shall mean that an engineer has been admitted to membership in the Association and that his name has been enrolled in the register; and "Certificate of Registration" shall mean the official certificate under the seal of the Association evidencing the same.

(i) "Registrar" shall mean the Registrar of the "Registrar."
Association.

(j) "Secretary" shall mean the Secretary or the "Secretary."
Secretary-Treasurer of the Association.

(k) "Vice-President" shall mean the Vice-"Vice-"
President of the Association. "President."

3.—(1) All persons registered as professional engineers under the provisions of this Act shall constitute the "Association of Professional Engineers of the Province of Ontario" and shall be a body politic and corporate, with perpetual succession and a common seal. What shall constitute Association.

(2) The head office of the Association shall be at the City Head office.
of Toronto.

(3) The Association shall have power to acquire and hold Power to acquire and hold
real or personal property not producing at any time an property.
annual income in excess of \$10,000, and to alienate, mortgage, lease, or otherwise dispose of such property or any part thereof as occasion may require.

(4) All fees, fines and penalties receivable and re- Fees, fines, etc.
coverable under this Act shall belong to the Association.

4. The Association may pass by-laws not inconsistent with By-laws.
the provisions of this Act for:—

(a) The election of "council."

(b) The government and discipline of the
members.

(c) The management of its property.

(d) The appointment of such officers as may be
necessary for carrying out the purposes of
the Association;

- (e) The maintenance of the Association by fixing, levying and collecting the necessary fee from each member and licensee, which fee shall not exceed \$10 per annum;
- (f) The admission of candidates to practise;
- (g) The keeping of the "register";
- (h) Fixing dates and places of meetings of the "Association."
- (i) All such other purposes as may be deemed necessary or convenient for the management of the association, or the conduct of its business.

By-law to require approval of Lieutenant-Governor.

5. No by-law of the association or amendment thereto shall be valid or take effect until approved by the Lieutenant-Governor in Council.

Classification.

6.—(1) For purposes of representation upon the council and for registration, and for such purposes only as are hereinafter set out, membership of the association shall be subdivided into the following branches: Civil Engineers, mechanical engineers, chemical engineers, electrical engineers, mining engineers.

Member may register in all branches.

(2) Each member admitted to the association may register in all branches for which he can submit credentials satisfactory to the authority governing admission to each of such branches, but he shall, however, vote in only one such branch according to his own selection, but may transfer his vote to some other branch in which he is registered, upon the approval of the council.

Additional branches.

7. Additional branches may be established by the Lieutenant-Governor in Council upon the petition of not less than 100 registered members of the association, provided such petition be approved by the council, or upon petition of 200 members of the association if such approval be not obtained.

Council.

8.—(1) The council shall consist of a president, a vice-president, an immediate past-president and three councillors from each branch of the association, all of whom shall be registered members of the association.

President.

(2) The president, who shall be elected annually by vote of members, shall hold office until his successor is elected, shall act as presiding officer at the meetings of the council and of the association, voting only when the votes are evenly divided, and on his retirement shall hold office as councillor for the next year succeeding.

5.

(3) The vice-president shall be elected annually by vote of members, and shall have all the powers of the president during the absence of the latter. Vice-President.

(4) Two councillors shall be elected annually from each branch of the association by the vote of the registered members in such branch, and one councillor from each branch shall be appointed by the Lieutenant-Governor in Council. Councillors.

(5) The council shall appoint a registrar and a secretary who shall hold office during the pleasure of the council. Registrar and Secretary.

9.—(1) The members of the council representing each branch shall control, subject to the terms of this Act, the conditions for registration and for licensing in such branch, including credentials, examinations and exemptions. Members of Council to control registration and licensing

(2) The council as a whole shall have the power to review the establishment of and the carrying out of the conditions for registration as administered by the representative councillors from all branches, and shall have the power to require the representatives of such branches to modify their administration in order to maintain a standard of qualification in members satisfactory to the council. Powers of Council

(3) The revocation of certificates and the reissuing of such certificates, the questions of discipline, fines, suspensions, expulsion, finance, overlapping of practice in branches, and all matters not coming within the provisions of subsection (1) shall be dealt with by the council as a whole. Revocation of certificates.

Registration Within One Year.

10.—(1) Any person residing in the Province of Ontario at the date of the passing of this Act, who has been engaged in professional engineering for five or more years, shall be entitled to be duly registered as a member of the association without examination, provided that such person shall produce to the council, within one year of the passing of this Act, satisfactory evidence of having been so engaged. Qualifications for membership.

(2) Any person residing in the Province of Ontario, not qualified as in subsection (1) above, may make application for membership in the association and shall successfully pass such examination as shall be prescribed by council, or submit credentials satisfactory to the council, to be admitted to membership. Where persons not so qualified

Statement
to be submitted
with applica-
tion.

(3) Any person who applies for membership in the association within one year from the passing of this Act shall submit to the council with his application a statement giving a summary of his professional career, which statement shall be made upon the forms prescribed by the council.

Affidavit.

(4) The council may require the applicant for membership to prove the correctness of the statements made in his application by attesting by oath or by affidavit.

Admission to
membership
without
examination.

(5) If the evidence of professional employment for five years, as submitted by the applicant, be considered satisfactory by the members of the council representing the branch to which admission is desired, he shall be admitted to membership in the association without examination and the registrar shall issue a certificate of registration to applicant and enter his name in the register.

Ontario Land
Surveyor en-
titled to mem-
bership.

(6) Any person duly authorized and registered as an Ontario land surveyor at the date of the passing of this Act shall be entitled on application within one year of the passing of this Act, to be admitted as a member of the association in the branch of civil engineers.

Period of
employment.

11. If the applicant for membership has been engaged for less than five years as a professional engineer at the date of the passing of this Act, he shall submit certificates and proofs respecting the period of his employment to the date of his application, and the members of council, representing the branch to which admission is desired, will determine from the evidence so submitted the period of such employment.

Registration After One Year.

Notice of em-
ployment to be
filed annually.

12. Any person resident in the Province of Ontario who has applied for membership in the association within one year from the passing of this Act, who has not been admitted under the provisions of section 10, shall file with the secretary a notice setting forth his employment and the name of his employer, which notice shall be filed annually during the term necessary to complete the five years of employment, and if such person's record of employment is satisfactory, he shall be admitted to membership without examination.

Statement to
be submitted
to Council.

13.—(1) Any person who applies for membership in the association after one year from the passing of this Act shall submit to the council with his application a statement giving a summary of his professional career as an engineer or surveyor which statement shall be made upon the forms prescribed by the council.

7.

(2) The council may require the applicant for membership to prove the correctness of the statement made with his application by attesting by oath or by affidavit.

(3) If the evidence of professional employment for not less than six years, as submitted by the applicant, be considered satisfactory by members of council representing the branch to which admission is desired, the applicant shall be admitted to membership after successfully passing the prescribed examination in the theory and practice of such branch of engineering or, in lieu of such examination, upon submission of evidence satisfactory to the members of council representing such branch and to the council as a whole.

(4) An applicant who is required to successfully pass an examination may select any one or more branches of engineering for his examination.

14. Any resident of Canada who may come to reside in the Province of Ontario and who at the time is a duly registered member of an association of professional engineers in any province of the Dominion of Canada similarly constituted to this association, may upon application made to council be admitted to membership upon producing a certificate of membership in such province.

15. Any person who comes to reside in Ontario who is a registered member of any association or institute in other parts of the British Empire or in the United States similarly constituted to this association, and which grants reciprocal privileges and who applies for membership in this association, may be admitted to membership upon producing to council a certificate of membership in such association or institute.

Graduates.

16.—(1) Any graduate in any branch of engineering or of science, the practice of which constitutes professional engineering as defined in clause (g) of section 2, from any university recognized by the council upon presenting evidence of graduation satisfactory to the council will be granted, as part of his term of employment, the actual time of instruction in such university, this total not to exceed four years and such graduate will not be required to submit to a written examination.

Graduates,
undergradu-
ates and assis-
tants serving
under articles

(2) Graduates or undergraduates of recognized engineering colleges or *bona fide* assistants serving under articles may during the remainder of their respective periods required for registration be engaged in professional engineering as defined in this Act under the guidance of professional engineers who assume full responsibility for their work, but shall not be classed as professional engineers until registered as members of the association as provided in this Act.

May be record-
ed, but shall
not be mem-
bers.

(3) Such graduates, undergraduates, or assistants serving under articles may, during their respective engineering courses or terms of service, be recorded with the association, and such graduates, undergraduates, or assistants serving under articles shall be subjected to the control of the council as provided in this Act and to the by-laws of the association, but shall not be members of the association.

Licensing.

License to
practise.

17.—(1) Any person not residing in the Province of Ontario who is a registered member of an association of engineers similarly constituted of any other province of the Dominion of Canada may upon application obtain from the registrar a license to practise as a professional engineer in the Province of Ontario upon production of evidence of his registry in such other province.

Non-resident
consulting
specialist.

(2) Any person who is not a resident of Canada, but who in the opinion of the members of council in any branch is recognized as a consulting specialist in such branch of engineering, and has had not less than ten years of experience in the practice of his profession, or who presents evidence to satisfy such members of council that he has equal qualifications with those required for registration in such branch of the profession, may, with the approval of the members of council of such branch, be granted a license to practise in that branch.

Resident of
another pro-
vince.

(3) Any professional engineer who is a resident of some other province of Canada in which there is no association of engineers similarly constituted may obtain a license to practise in a branch of engineering, subject to the approval of the members of council representing such branch.

(4) In the event of any such person mentioned in this section being unable by reason of emergency or neglect on the part of the registrar, or for any other good and sufficient reason, to obtain such license within three months of his making application therefor, he shall be entitled to practise as a professional engineer in the province for such period of three months without holding such license.

Power to practise without license under what circumstances.

18. Any person who is employed as a professional engineer by a public service corporation, public utilities or Government department, who is by reason of his employment required to practise as a professional engineer in provinces other than that of his residence, may so practise, in the Province of Ontario without holding a non-resident license or payment of fee, providing such person can on demand of the council produce credentials satisfactory to the council showing that he is a registered member of an association of engineers similarly constituted by some other province of Canada.

Employer of public service corporation, etc.

Membership.

19.—(1) Only such persons who are members of the association hereby incorporated, and registered as such under the provisions of this Act, or who have received a license from the council of the association as hereafter provided, shall be entitled within the Province of Ontario to take and use the title "Registered Professional Engineer," or any abbreviation thereof, or to practise as a professional engineer.

Who may practise.

(2) Each member of the association shall have a seal, the impression of which shall contain the name of the engineer and the words "Registered Professional Engineer" and "Province of Ontario," with which seal he shall stamp all official documents and plans, and the design of such seal shall be approved by the council.

Seal.

20. The provisions of this Act shall not apply against any person while carrying on his duties in His Majesty's naval, military or aerial service.

Naval, military, and aerial services not affected.

Members of
overseas
forces.

21. Engineers who were employed in professional engineering in the Province of Ontario, and who were accepted for overseas service in the war of 1914-1919, in the forces of Great Britain or any of her allies, shall on their return to Canada be entitled to all the rights and privileges conferred under section 10.

Age limit.

22. Notwithstanding any other provision of this Act, no person shall be registered as a member of the association until after he has attained the age of twenty-one years.

Partnership.

Co-partner-
ship.

23.—(1) In the cases of two or more persons carrying on a practice as professional engineers in co-partnership, only such members who are registered or licensed under this Act shall individually assume the function of a professional engineer.

Firm or cor-
poration not
to be deemed
a member.

(2) A firm or corporation of professional engineers cannot, as such, be deemed to be a member of the association or be licensed to practise.

Examinations.

Board of
examiners.

24. The council shall appoint annually a board of examiners for each branch of engineering from nominations made by members of council representing each of such branches.

Examinations.

25.—(1) Examinations of candidates for registration or for license shall be held at least once per annum, at such place or places as the council may direct.

Council to
prescribe.

(2) The scope of the examinations and the methods of procedure shall be prescribed for each branch by the members of council representing such branch, with special reference to the applicant's ability to design and supervise engineering works which shall insure the safety of life and property.

Board to ex-
amine degrees,
diplomas, etc.

(3) The board shall examine all degrees, diplomas, certificates and other credentials presented or given in evidence for the purpose of obtaining registration or license to practise, if referred to them by the council, and may require the holder of such degree, diploma, certificate or other credentials to attest on oath, *viva voce* or by affidavit concerning the matter of his application.

(4) The candidate shall submit to an examination before the board, or before such members of the board as may be deputed by the council to conduct such examination, on such branch or branches of professional engineering as the candidate may select. Candidate to submit to examination.

(5) As soon as possible after the close of each examination the members of the board who shall have conducted such examination shall make and file with the secretary a certificate stating the result of such examinations, whereupon the council shall notify each candidate of the result of his examination and of their decision upon his application. Result of examination to be filed with Secretary.

(6) A candidate failing on examination may after an interval of not less than nine months be examined again. Failure.

(7) The council shall from time to time prescribe the fees payable by candidates for examination, which fees shall be payable in advance by the candidates. Fees.

26. The council shall have power to establish conjointly with any council of any association similarly constituted in one or more of the provinces of Canada a central examining board, and to delegate to such central examining board all or any of the powers possessed by the said council respecting the examinations of candidates for admission to practise, provided that any examination conducted by such central examining board shall be held at least in one place within this province. Central examining board.

Register and Registrar.

27.—(1) The registrar shall issue a certificate of membership to each member admitted to the association by the council, such certificate to be signed by the president or the vice-president and by the registrar, and it shall bear the seal of the association, and shall also state the branch or branches of engineering in which the member was examined or otherwise accepted. Certificate of membership.

(2) The registrar shall issue a license to practise to any person entitled thereto, such license to specify the work upon which the holder of the license is to be employed and the period for which the same is issued, but in no case shall the period extend beyond the end of the calendar year in which such license was issued. License to practise.

(3) The registrar shall enroll in the register provided by the council the names of all persons admitted to the association by the council, also the names of all persons licensed by the council. Names of licensees and members to be enrolled in Register.

Register to
be correct.

28. The registrar shall keep the register correct and in accordance with the provisions of this Act and the instructions of the council.

Annual fee
deemed a
debt due.

29. The annual fee due from a member shall be deemed to be a debt due the association and may be recoverable with the costs of same from such member in the name of the council or of the association in any court of competent jurisdiction.

Neglect to
pay annual
fees.

30.—(1) If any member neglects or refuses to pay the annual fee for six months from the date upon which it became due after written notice from the secretary to the member's last known address on the register, the registrar shall cause the name of such member to be erased from the register, and such person shall thereupon cease to be a member, but such person shall at any time thereafter, upon payment of such fees as may be prescribed by the council, be entitled to reinstatement as a member.

Resignation.

(2) Any member may resign from membership in the association upon giving written notice to the secretary and by payment of all dues in arrears, if any, whereupon the name of such member shall be erased from the register and such member shall be relieved of the liability for further annual dues, but such person shall at any time in the future be admitted as a member upon payment of the fees prescribed by the council.

Where name
erased from
register.

(3) Any member whose name has been erased from the register shall not be entitled to any of the rights and privileges conferred by the provisions of this Act until he has been re-admitted as a member.

Refusal to
register.

31. In case the council should refuse to register any applicant for membership in the association, or refuse to issue a license to practise to any applicant therefor, the person aggrieved shall have the right to apply to a judge of the Supreme Court of Ontario, who upon due cause shown may make an order directing the council to register the name of such person as a member of the association, or to grant a license to practise, or make such other order as may be warranted by the facts, and the council shall forthwith comply with such order and such order when so made shall be final.

Evidence of
registration.

32. The certificate of registration under the seal of the association shall be *prima facie* evidence of registration.

Suspension or Expulsion

33.—(1) The council may, in its discretion, reprimand or censure or suspend or expel any member guilty of unprofessional conduct, or of gross negligence or of continued breach of the by-laws of the association, or any member convicted of a serious criminal offence by a court of competent jurisdiction.

Suspension or expulsion for unprofessional conduct or gross negligence.

(2) The council shall not take any such action until after a complaint under oath has been filed with the secretary or the registrar, and a copy forwarded to the member accused, who shall be given an opportunity of submitting evidence in his defence, and the council shall not suspend nor expel a member without having previously summoned him to appear before the council, nor without having heard evidence under oath offered in support of the complaint and in behalf of the member accused.

Procedure.

(3) The council shall have the same powers as Commissioners under *The Public Enquiries Act* to compel witnesses to appear and give evidence under oath in the manner and under penalties prescribed by such court, and all such evidence shall be taken in writing or by a duly qualified stenographer.

Powers of Council to hear cases.

(4) Any member suspended or expelled may within sixty days after the order of suspension or expulsion appeal to a judge of the Supreme Court of Ontario from such order or resolution, giving not less than seven days' notice of such appeal to the secretary of the association, and the practice and procedure in such an appeal shall be the same as upon an appeal from a master or referee.

Appeal.

(5) Pending an appeal, the member suspended or expelled by council may continue to practise, but unless the order of suspension or of expulsion be set aside, the member so suspended or expelled shall not practise thereafter except upon the expiry of the period of suspension (in case of suspension).

Pending appeal.

Penalties

34. Any person in the Province of Ontario who, not being registered as a member of the Association in the Province of Ontario, or licensed by the association.

Where unregistered or unlicensed person practises.

(a) Practises as a professional engineer;

- (b) Usurps the function of a professional engineer;
- (c) Uses verbally or otherwise the title of professional engineer, or makes use of any addition to or abbreviation of such title, or of any words, name or designation that will lead to the belief that he is a professional engineer or a member of the association, or that he is a person specially qualified to practise in any branch of professional engineering;
- (d) Advertises himself as a professional engineer in any way or by any means.
- (e) Acts in such manner as to lead to the belief that he is authorized to fill the office of or to act as a professional engineer;

Penalty.

shall be liable upon summary conviction by any court of competent jurisdiction to a fine of not less than \$100 nor more than \$200 for the first offence, and to a fine not less than \$200 nor more than \$500 for any subsequent offence.

Injunction may be obtained where convicted person continues to practise

35. Where a person after conviction for practising as a professional engineer continues to practise as a professional engineer without being a member of the association or being licensed by council, the association or any official thereof may apply to a judge of the Supreme Court of Ontario for an injunction restraining such person from practising or attempting to practise in the province, and the court shall, if satisfied that the person has practised or attempted to practise as a professional engineer, grant the injunction.

Wilful falsification of register.

36. If the registrar makes or causes to be made wilful falsification of the register, or in matters connected therewith, he shall upon conviction be liable to a fine of not less than \$100.

Fraudulent representation as to qualifications for membership.

37. Any person who wilfully procures or attempts to procure for himself registration as member in the association by making, producing or causing to be made or produced any fraudulent representation or declaration, either verbal or written, and any person knowingly aiding and assisting him therein, shall upon conviction be liable to a fine of not less than \$200.

38. Any and all penalties imposed under this Act, and any and all moneys forfeited shall be recoverable with costs under the provisions of *The Ontario Summary Convictions Act*, and all such sums shall belong to the association. Penalties how recoverable.

39. No proceedings shall be commenced for any violation against the provisions of this Act after one year from the date of the committal of such violation. Limit of time for commencement of proceedings.

40. No person practising as a professional engineer shall be entitled to recover any charges in any court of law for any service included in the practice of professional engineering as defined in this Act unless he be registered as a member of the association or licensed by the association. Recovery of charges.

Provisional Council

41.—(1) The following persons are hereby constituted as a provisional council of the association:— Council.

President—Charles Hamilton Mitchell, of Toronto.

Vice-President—Robert Alexander Bryce, of Toronto.

Councillors—Representing branch of *Civil Engineers*—Willis Chipman, of Toronto; John Bow Challies, of Ottawa; Andrew Wellington Gray, of Westport.

Representing branch of *Mechanical Engineers*—Henry G. Acres, of Toronto; Harry Holborn Angus, of Toronto; Arthur Knowlton Spotton, of Galt.

Representing branch of *Chemical Engineers*—James Watson Bain, of Toronto; Stafford Frederick Kirkpatrick, of Ottawa; Harold Van der Linde, of Toronto.

Representing branch of *Electrical Engineers*—Henry U. Hart, of Hamilton; Frank Richard Ewart, of Toronto; Morris James McHenry, of Walkerville.

Representing branch of *Mining Engineers*—Charles Camsell, of Ottawa; H. E. T. Haultain, of Toronto; James McEvoy, Toronto.

all of whom shall hold office until their successors have been elected and appointed.

Vacancy.

(2) If a vacancy should occur in the Provisional Council it shall be filled by the Lieutenant-Governor in Council, who shall notify each member of the Provisional Council of such appointment.

Council to provide register.

42.—(1) The Provisional Council shall provide the register called for by this Act, and shall cause to be entered therein the names of all persons who are entitled to registration and who apply therefor.

Approval of Lieutenant-Governor to provisional by-laws.

(2) The Provisional Council shall, within four months from the passing of this Act, prepare provisional by-laws not inconsistent with the Act for the various purposes specified in section 4 of this Act, which shall not be valid until approved by the Lieutenant-Governor in Council.

Copy of register to be supplied to each member.

(3) The Provisional Council shall publish a copy of the register within five months from the passage of this Act, and shall mail one copy of such register to each member, and to any person who may apply for a copy, and the Lieutenant-Governor in Council shall also be furnished with a certified copy of the register and of the provisional by-laws.

General meeting.

(4) The Provisional Council shall call a general meeting of the members of the association for the purpose of electing the members of council, for confirmation or revision of by-laws, and for organization purposes, and for such other purposes as specified in the notice calling the meeting, such general meetings to be held not later than seven months, nor earlier than five months after this Act comes into force.

When to take effect.

43. No provisions of this Act restricting the practice of professional engineering or imposing penalties shall take effect until one year after the coming into force of this Act.

Application.

44. Nothing in this Act contained shall be construed as applying to persons giving evidence in a court of law or to works of the following character.

- (a) Works, plants or appliances designed, carried on or constructed on private property by the owner thereof, with or without the assistance of others, regardless of the cost of such works provided only that such works are for the sole use and benefit of the owner and his domestic establishment.

- (b) The designing, constructing or installing, for any person, on property other than his private property, any works, plants or appliances of a value not exceeding \$5,000, provided that such works, plants or appliances do not involve the safety or health of the public.
- (c) The prospecting or developing of any patented or unpatented mining claim by any person or syndicate.
- (d) The construction of township roads, or roads under the supervision of a county or township road superintendent.
- (e) The laying out, installation and supervision of a farm drainage system.
- (f) Plant, machinery or equipment used or intended for use in connection with the mining, smelting, milling or other treatment of ores, or to the advising on, the reporting on, the designing of, the supervision of construction of, or the appraisal of any mines or minerals or plant, machinery or other equipment used or to be used in connection therewith, or to any works used or intended for use in connection with any mining, milling or reduction operations.

45. Nothing in this Act contained shall be construed as altering or affecting any provisions of *The Ontario Land Surveyors Act*, *The Municipal Drainage Act*, *The Ditches and Watercourses Act*, *The Ontario Mining Act*, or *The Stationary and Hoisting Engineers Act*, or an Act for protecting the Public Interest in Rivers, Streams and Creeks, or *The Timber Slides Companies Act*. Not to alter or affect certain Acts.

46. Nothing in this Act contained shall affect any of the provisions of *The Ontario Architects Act* or the rights, whether arising under or by virtue of the said Act or otherwise of architects registered under the said Act. Not to affect Ontario Architects Act.

47. Nothing in this Act contained shall affect any of the provisions of *The Pharmacy Act* or amendments thereto or the rights and privileges whether arising under or by virtue of the said Act and Amendments or otherwise of a Chemist, Druggist, Pharmacist, Apothecary, Dispensing Chemist, Dispensing Druggist or Pharmaceutical Chemist, registered under *The Pharmacy Act*. Scope of Act.

48. This Act shall come into force and take effect on the day upon which it receives the Royal Assent. Commencement of Act.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting Professional
Engineers.

1st Reading,	6th April, 1921.
2nd Reading,	20th April, 1921.
3rd Reading,	1922.

*(Reprinted as amended by Select
Committee.)*

MR. GRAY.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

No. 68.

1922.

BILL

An Act to amend The Line Fences Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 1a of *The Line Fences Act* as enacted by 10-11 Geo. V. chapter 83, is amended by inserting the words “or district” after the word “County” in the third line thereof.

Sec. 1a of
Rev. Stat.
c. 259 as
enacted by
1921 c. 83,
amended.

No. 68.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act to amend The Line
Fences Act.

1st Reading,	23rd February, 1922.
2nd Reading,	1922.
3rd Reading,	1922.

MR. MAROEAU.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting General Sessions of the Peace.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may cited as *The General Sessions Act*, Short title.
1922.

2. Section 4 of *The General Sessions Act* is amended Rev. Stat.
c. 60, s. 4.
amended. by adding thereto the following subsection:

(4) In the County of York two or more Concurrent
sittings
in York. concurrent sittings of the court may be held for the trial of cases with or without a jury and the hearing of appeals.

3. Section 7 of *The General Sessions Act* is repealed Rev. Stat.
c. 60, s. 7.
repealed. and the following substituted therefor:—

7. The Judge of the county or district court Who may
preside. as the case may be or a Junior or Deputy Judge shall be the chairman of the court and shall preside at the sittings thereof.

4. This Act shall come into force and take effect on the Commence-
ment of Act. 1st day of July, 1922.

No. 69.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting General Sessions
of the Peace.

1st Reading,	23rd February, 1922.
2nd Reading,	1922.
3rd Reading,	1922.

MR. RANNEY.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to provide for the Appointment of Probation Officers.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Probation Act, 1922*. Short title.
2. The Lieutenant-Governor in Council may appoint an Appoint-
ment. officer to be known as a probation officer and such assistants to such officer as may be deemed necessary for any county, including any city or separated town in such county, or for any district.
- 3.—(1) For the purpose of giving effect to section 1081 Powers and
duties. of the Criminal Code and amendments thereto, it shall be the duty of the probation officer and he shall have power with regard to any person convicted at a sittings of the High Court Division for the trial of criminal cases or at the General Sessions of the Peace, or the County Judges' Criminal Court, or at the court of any Police Magistrate or Justice of the Peace or by a Juvenile Court in the county or district,—
 - (a) To procure and report such information as to the antecedents, family history, previous convictions, character of employment and other information respecting any person so convicted as the court may require;
 - (b) To supervise under the direction of the court before whom such person was convicted the employment, conduct and general condition under which the person so convicted may be placed during the period of probation imposed by the court;

- (c) To see that any person so convicted reports from time to time as the court may prescribe and to report to the court if the person so convicted is or is not carrying out the terms on which sentence is suspended, and to see that such person in case of such default, is brought again before the court for sentence;
- (d) To see that any person so released on suspended sentence duly makes restitution and reparation;
- (e) To see that any person so convicted while on probation duly carries out any order of the court requiring him to make due provision for the support of his wife and any other dependents for which he may be liable;
- (f) To do all such other things as may be directed by the court or by the regulations made under the authority of this Act.

To be
ex-officio
provincial
constable.

(2) In the performance and exercise of the powers imposed by or under subsection 1, the probation officer and any assistant of the probation officer shall be *ex-officio* a provincial police constable.

To be
officer of
court and
under Judge
etc.

4. For the purposes of this Act the probation officer and his assistants shall be deemed to be officers of every such court in the county or district for which they are appointed and shall be amenable to, and shall carry out the directions of the Judge, Magistrate or Justice presiding in such court.

County to
provide
accommoda-
tion and
assistance.

5.—(1) It shall be the duty of the council of any county for which a probation officer is appointed, to provide such office accommodation and clerical and other assistance for the probation officer and his assistants as the regulations may require.

When city
to be
responsible.

(2) Where under any agreement or award or under any general or special Act it is the duty of the corporation of a city to provide accommodation for the courts and officers engaged in the administration of justice in the county, the corporation of the city shall provide such office accommodation and clerical or other assistance for the probation officer and his assistants.

3.

6. The salary or other remuneration of a probation officer and his assistants and the expenses of providing clerical or other assistance and any other necessary expenses of his office shall be borne and paid in the same manner as the expenses connected with the administration of criminal justice in the county or district.

Expenses
of office,
how borne.

7. The Lieutenant-Governor in Council may make regulations which may be general or special in their application,—

Regulations.

- (a) Respecting the qualifications, duties and powers of probation officers and their assistants;
- (b) Respecting the office and other accommodation and clerical and other assistance to be provided for a probation officer;
- (c) Prescribing the reports and returns to be made by probation officers;
- (d) Fixing the salary or other remuneration to be paid to a probation officer and his assistants;
- (e) Generally for the better carrying out of the provisions of this Act.

8. This Act shall come into force and take effect on the 1st day of July, A.D. 1922.

Commence-
ment of
Act.

No. 70.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act to provide for the Appointment of Probation Officers.

1st Reading,	23rd February, 1922.
2nd Reading,	1922.
3rd Reading,	1922.

MR. RANNEY.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to aid in the Grading and Packing of Fruits.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Fruit Packing Act*, Short title. 1922.

2. In this Act:

Interpreta-
tion.

- (a) "Minister" shall mean Minister of Agri- "Minister."
culture;
- (b) "Association" shall mean any co-operative "Association."
organization of not less than ten fruit
growers incorporated under *The Ontario
Companies Act* or other Acts of the Prov-
ince for the purpose of marketing any
kind of fruit and holding at least 100 acres
of bearing fruit lands, the fruit from
which shall be contracted to be sold through
such association.

3. The Lieutenant-Governor in Council upon the recom-
mendation of the Minister may make a grant out of such
moneys as may be appropriated by the Legislature for that
purpose, to any association in accordance with the provisions
of this Act for the purpose of erecting buildings necessary
for the proper grading, packing and storing of the fruits
grown by the members of such association.

Grant for
erecting pack-
ing houses.

4. Such grant shall not exceed twenty-five per cent. of
the appraised value of the buildings upon which the grant
is to be made, or a total of \$1,500 in any one case.

Grant not
to exceed
twenty-five
per cent. of
appraised
value.

5. The plans and location of the buildings must be ap-
proved by the Minister, before a grant be paid.

Approval
of plans and
location.

Right of
ownership.

6. Buildings on which a grant is paid under this Act shall be vested in the association, but no such building shall be disposed of by any such association without the consent of the Minister.

Use of
building by
outside
growers.

7. The control and management of the buildings erected under this Act shall be vested in the association and the association may fix charges and adopt regulations for the proper conduct of the work and shall accept fruit for grading, packing or storage from growers, who are not members of the association, on such terms as may seem reasonable.

Annual
statement
submitted to
Minister.

8. The association shall at least once in every year, and whenever called upon to do so by the Minister, transmit to the Minister a general statement of the funds and effects of the association, the number of members or shareholders therein, and such other information as may be requisite to show clearly the position of the association and the business done during the year, which return shall be certified by the president and secretary as being correct.

Powers of
Minister.

9. The Minister may decide all matters of doubt or dispute as to the working or construction of this Act, and his decision shall be final, except that an appeal therefrom may be made to the Lieutenant-Governor in Council.

Commence-
ment of Act.

10. This Act shall come into force and take effect on the date upon which it receives the Royal Assent.

No. 71.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act to aid in the Grading and
Packing of Fruit.

1st Reading,	24th February, 1922.
2nd Reading,	1922.
3rd Reading,	1922.

Mr. DOHERTY.

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organization of not less than ten fruit
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Right of
ownership.

6. Buildings on which a grant is paid under this Act shall be vested in the association, but no such building shall be disposed of by any such association without the consent of the Minister.

Use of
building by
outside
growers.

7. The control and management of the buildings erected under this Act shall be vested in the association and the association may fix charges and adopt regulations for the proper conduct of the work and shall accept fruit for grading, packing or storage from growers, who are not members of the association, on such terms as may seem reasonable.

Annual
statement
submitted to
Minister.

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9. Upon repayment of the amount of the grant by any association, such association shall be relieved of all the conditions and limitations otherwise imposed by this Act.



Powers of
Minister.

10. The Minister may decide all matters of doubt or dispute as to the working of *the association* or the construction of this Act, and his decision shall be final, except that an appeal therefrom may be made to the Lieutenant-Governor in Council.

Commence-
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11. This Act shall come into force and take effect on the date upon which it receives the Royal Assent.

No. 71.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act to aid in the Grading and
Packing of Fruit.

1st Reading,	24th February, 1922.
2nd Reading,	13th March, 1922.
3rd Reading,	1922.

(Reprinted as amended by the Committee
on Agriculture and Colonization).

MR. DOHERTY.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Town of Wallaceburg.

WHEREAS the Corporation of the Town of Wallaceburg has by its petition prayed for special legislation to enable the said Town to issue and sell debentures of the said Corporation in order to raise sufficient money to pay off a floating debt of \$35,000 which has been incurred almost entirely by extensions of the Waterworks System of the said Town necessary for fire protection and to supply water to residents of the said Town and by a large increase in the County rate owing to construction of good roads in the County of Kent. Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything contained in section 5 of the Act passed in the Sixth year of the reign of His late Majesty, King Edward VII, chaptered 101, the said Corporation of the Town of Wallaceburg may pass a By-law to borrow and may borrow the sum of \$35,000 and may issue debentures therefor for any period not exceeding thirty years from the date of the issue thereof and at such rate of interest not exceeding six per cent. per annum as the Council of the said Corporation may determine to pay off the present floating debt of the said Town. Power to borrow \$35,000 on 30 year debentures to pay off floating debt.

2. It shall not be necessary that the said By-law shall receive the assent of the Electors of the said Town but all the other provisions of *The Municipal Act* which are applicable and which are not inconsistent with the provisions of this Act shall apply to the said By-law. Assent electors not required; application provisions Rev. Stat. c. 192.

3. No irregularity in the form of any of the debentures issued under the authority of this Act or of any By-law authorizing the issue thereof shall render the same invalid or be allowed as a defence to any action against the Corporation of the Town of Wallaceburg for the recovery of the amount thereof or interest thereon or any part thereof. Irregularity in form not to invalidate.

No. 72.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting the Town of
Wallaceburg.

1st Reading,	1922.
2nd Reading,	1922.
3rd Reading,	1922.

Private Bill.

MR. BRACKIN.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Town of Wallaceburg.

WHEREAS the Corporation of the Town of Wallaceburg has by its petition prayed for special legislation to enable the said Town to issue and sell debentures of the said Corporation in order to raise sufficient money to pay off a floating debt of \$35,000 which has been incurred almost entirely by extensions of the Waterworks System of the said Town necessary for fire protection and to supply water to residents of the said Town *and by the construction of certain storm sewers and drains* and by a large increase in the County rate owing to construction of good roads in the County of Kent.

Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything contained in section 5 of the Act passed in the Sixth year of the reign of His late Majesty, King Edward VII, chaptered 101, the said Corporation of the Town of Wallaceburg may pass a By-law to borrow and may borrow the sum of \$35,000 and may issue debentures therefor for any period not exceeding *ten* years from the date of the issue thereof and at such rate of interest not exceeding six per cent. per annum as the Council of the said Corporation may determine to pay off the present floating debt of the said Town.

Power to borrow \$35,000 on 10 year debentures to pay off floating debt.

2. It shall not be necessary that the said By-law shall receive the assent of the Electors of the said Town but all the other provisions of *The Municipal Act* which are applicable and which are not inconsistent with the provisions of this Act shall apply to the said By-law.

Assent electors not required; application provisions Rev. Stat. c. 192.

3. No irregularity in the form of any of the debentures issued under the authority of this Act or of any by-law authorizing the issue thereof shall render the same invalid or be allowed as a defence to any action against the Corporation of the Town of Wallaceburg for the recovery of the amount thereof or interest thereon or any part thereof.

Irregularity in form not to invalidate.

No. 72.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act respecting the Town of
Wallaceburg.

1st Reading,	13th March, 1922.
2nd Reading,	1922.
3rd Reading,	1922.

*(Reprinted as amended by the
Private Bills Committee.)*

MR. BRACKIN.

TORONTO:

PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting Magistrates

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

PART I.

GENERAL PROVISIONS.

1. This Act may be cited as *The Magistrates Act, 1922*, Short title. and shall come into force on the first day of July A. D., 1922.

2. The Acts and parts of Acts set out in the Schedule Repeal. to this Act are repealed.

3. Every Police Magistrate shall be appointed by the Appointment and tenure of office. Lieutenant-Governor in Council and shall hold office during pleasure. R.S.O., 1914, c. 88, s. 2.

4. A judge or junior judge of the County or District County Judge may be appointed. Court may be appointed a Police Magistrate under this Act.

5.—(1) Every Police Magistrate and Deputy Police Oath. Magistrate before acting shall take the following oath of office and allegiance:—

I, A. B., of the of in the County (or District) do swear that I will well and truly serve Our Sovereign Lord King George, (or the reigning Sovereign for the time being) in the office of Police Magistrate (or Deputy Police Magistrate, as the case may be) and I will do right to all manner of people according to law, without fear or favour, affection or ill will, So help me God.

A. B.

Sworn etc.

Oath to
be filed
with Clerk
of the Peace.

(2) The Oath of Office and Allegiance shall forthwith be transmitted or delivered by the Police Magistrate, or Deputy Police Magistrate to the Clerk of the Peace of the County or District within which the Police Magistrate or Deputy Police Magistrate is to act and shall be filed in the office of the Clerk of the Peace. (R.S.O., 1914, c. 88, s. 29.).

Prohibition
as to
practising
in magis-
trates courts.

6.—(1) No police Magistrate and no partner or clerk of a Police Magistrate shall act as agent, solicitor, or counsel in any cause, matter, prosecution or proceeding before a Police Magistrate or Justice of the Peace. R.S.O. 1914. c. 88, s. 32, (1).

Not to
engage in
any other
occupation
without
permission.

(2) Unless otherwise provided by Order-in-Council a Police Magistrate appointed under this Act shall not practise any profession or actively engage in any business, trade or occupation but shall devote his whole time to the performance of his duties as Police Magistrate. 1921, c. 42, s. 10, (Amended).

Conferring
special
jurisdiction.

7.—(1) Notwithstanding anything in this Act or in the Order-in-Council appointing a Police Magistrate, the Attorney-General of Ontario may at any time by writing under his hand, direct a Police Magistrate appointed under this Act to act in and for any part of Ontario, and a Police Magistrate to whom such direction is given shall have the same jurisdiction and powers within the territory in which he is so directed to act as within the territory named in the Order-in-Council appointing him.

Limitation
as to time.

(2) Any such direction may be limited as to the period during which the jurisdiction and powers of the Police Magistrate may be exercised or as to the class of cases to which such jurisdiction and powers may extend. 1918, c. 20, s. 19.

Ex officio
Justice of
the Peace.

8. Every Police Magistrate shall be *ex officio* a Justice of the Peace for the whole of any county or district for which, or for part of which, he is appointed. R.S.O., 1914, c. 88, s. 24.

Powers.

9. A Police Magistrate sitting as such or as *ex officio* a Justice of the Peace shall have power to do alone whatever is authorized to be done by two or more Justices of the Peace. R.S.O., 1914, c. 88, s. 28, amended.

10. In case of the illness or absence from his territorial jurisdiction of a Police Magistrate having sole jurisdiction or at his request, any other Police Magistrate having jurisdiction over any portion of the county or district shall have all the powers and may perform all the duties of the first mentioned Police Magistrate during such illness or absence or while acting at such request and shall also have jurisdiction and power to continue and complete any proceeding begun before him notwithstanding that the first mentioned Police Magistrate may have recovered or returned. R.S.O., 1914, c. 88, s. 34, amended.

Jurisdiction
of other
Magistrates
in case of
illness
absence, etc

11. In case there is no Police Magistrate available to act as provided in section 10 any two or more Justices of the Peace of the county or district may act within the jurisdiction of the Police Magistrate, in any matter which may be tried by two Justices of the Peace. R.S.O., 1914, c. 88, s. 26, amended.

When two
or more
Justices
may act for.

12. Nothing in this Act shall prevent one Justice of the Peace from acting for the Police Magistrate as provided in section 11 where by law one Justice of the Peace has jurisdiction. R.S.O. 1914, c. 88, s. 27 amended.

When one
Justice of
the Peace
may act.

13.—(1) Notwithstanding anything in any other Act contained no Justice of the Peace and no Police Magistrate except one having concurrent jurisdiction, shall admit to bail or discharge a prisoner or adjudicate upon or otherwise act after judgment in any case arising within the territorial jurisdiction of a Police Magistrate except at the request in writing of the Attorney-General or in the case of the illness or absence or at the request of the said last mentioned Police Magistrate. 1921, c. 42, s. 5, (1), amended.

When
Justices
may not act

(2) Nothing in subsection 1 shall prevent any Police Magistrate or Justice of the Peace acting within his territorial jurisdiction, from taking an information or issuing a search warrant or summons or warrant returnable before a Police Magistrate having jurisdiction to try the case or from hearing and determining a prosecution under a by-law of any municipality.

Justice
may take
information,
issue
warrant etc.

Attendance
on holidays
not re-
quired.

14. Except in case of urgent necessity a Police Magistrate shall not be required to attend at the police office on a holiday or on any day set apart by the municipal council as a civic holiday. R.S.O., 1914, c. 88, s. 33.

Collection
of fees.

15. A Police Magistrate shall be entitled to collect the same fees and emoluments as a Justice of the Peace and where a Police Magistrate is paid by salary, the fees and emoluments received by him as Police Magistrate shall be paid to the municipality if the salary is provided by such municipality, but if the salary is provided by the Crown such fees and emoluments shall be paid to the Treasurer of Ontario, but this section shall not authorize the imposition of such fees by a Police Magistrate who is paid by salary upon any officer or constable in the employ of the Provincial Government in respect of a case or complaint prosecuted by him. R.S.O., 1914, c. 88, s. 30; 1921, c. 42, s. 7.

Returns.

16.—(1) Every Police Magistrate shall make such returns to the Clerk of the Peace, the Inspector of Legal Offices and to such other municipal or other Provincial officers as the Regulations may direct.

Restriction
in appli-
cation of
Rev. Stat.
c. 87.

(2) Notwithstanding anything contained in *The Justices of the Peace Act*, Parts 2 and 3 of the said Act shall not apply to Police Magistrates.

Fees of
Clerk of
the Peace.

(3) The Clerk of the Peace shall be entitled to the same fees for any services performed in respect to returns made by Police Magistrates as in the case of returns made by Justices of the Peace.

Regulations.

17.—(1) Notwithstanding anything in any other Act contained the Lieutenant-Governor in Council may make Regulations,—

- (a) Prescribing the office hours of Police Magistrates; 1921, c. 42, s. 12 (b).
- (b) fixing the period and manner in which fines, fees and emoluments payable to the Treasurer of Ontario under this or any other Act shall be paid over by Police Magistrates; 1921, c. 42, s. 12 (f).

- (c) providing for the inspection of the office, the books and accounts of Police Magistrates and for the appointment of an inspector for that purpose and defining the powers and duties of such inspector; 1921, c. 42, s. 12 (g) (*amended*).
- (d) providing for the appointment or employment of a stenographic reporter to take down evidence before a Police Magistrate and fixing the remuneration of such reporter and the fees and charges for his services and for defining the class of cases in which stenographic reporters may be employed and the terms and conditions of such employment; 1921, c. 41, s. 3, *part*; 1921, c. 42, s. 12 (h) *part*.
- (i) Regulations may provide that the remuneration of the stenographic reporter shall be paid by the municipal corporation or by the parties to any proceeding before the Magistrate as part of the costs in the case or partly by one method and partly by the other, and where the remuneration is made payable by the municipal corporation, the Regulations may provide for the allowance of a charge for stenographic reporting as a part of the costs in any case in which a stenographic report of the proceedings has been taken.
- (e) respecting the returns to be made by Police Magistrates; *new*.
- (f) generally for the better carrying out of the provisions of this Act; 1921, c. 42, s. 12 (i).

(2) Any such regulation may be general or particular in its application and may provide for the imposing of penalties for breach of the regulations and the recovery of such penalties under *The Ontario Summary Convictions Act* or in such other manner as the Lieutenant-Governor in Council may prescribe. *New*.

Regulations
general or
particulars.

Penalties.

PART II

POLICE MAGISTRATES IN CITIES AND TOWNS.

To be
appointed
with salary
for cities
and certain
towns.

In other
towns.

18.—(1) There shall be a salaried Police Magistrate for every city and for every town having a population of five thousand or over. R.S.O. 1914, c. 88, s. 3 *part*.

(2) Where the council of a town having a population of less than five thousand, by resolution passes by a vote of two-thirds of all the members of the council, affirms that it is expedient that a salaried Police Magistrate be appointed for the town and names the amount of the salary to be paid, the Lieutenant-Governor in Council may appoint a salaried Police Magistrate for the town accordingly.

Population
how de-
termined.

19. In estimating the population of a city or town the last Dominion census shall govern unless there has been a subsequent enumeration by the assessors of the city or town in which case such enumeration shall govern. R.S.O. 1914, c. 88, s. 12 (1).

Authority
for appoint-
ment not
to be
questioned
as to
population.

20. Where the authority of the Lieutenant-Governor in Council to appoint a Police Magistrate or deputy Police Magistrate depends upon the population of the city, town or place for which the appointment is to be made, no appointment purporting to be made under the authority of this Act shall be open to question on the ground that the population was not in fact such as to authorize the making of the appointment. R.S.O. 1914, c. 88, s. 12 (2).

Rate of
salary.

21. Except as otherwise herein provided every Police Magistrate appointed for a city or town having a population of five thousand or over under this Part shall be paid a salary,—

- (a) In a city having a population of eighty thousand or over, not less than \$3,200 per annum;
- (b) In a city having a population of more than eighteen thousand and less than eighty thousand, of not less than \$2,000 per annum;

- (c) In a city having a population of less than eighteen thousand, of not less than \$1,400 per annum;
- (d) In a town having a population of more than eight thousand, of not less than \$1,200 per annum;
- (e) In a town having a population of over six thousand and not more than eight thousand, of not less than \$1,000 per annum;
- (f) In a town having a population of not more than six thousand, of not less than \$800 per annum;

22. The salary of every Police Magistrate shall be paid by the corporation of the city or town at least monthly and shall be apportionable to the date of the death of the Magistrate or of his vacating his office. R.S.O. 1914, c. 88, s. 7, *amended*. Payment to be monthly.

23. A municipal council shall not reduce the salary of a Police Magistrate without the sanction of the Lieutenant-Governor in Council. R.S.O. 1914, c. 88, s. 17. Not to be reduced without authority.

24.—(1) The Lieutenant-Governor in Council may appoint an additional Police Magistrate or Police Magistrates for any city if a resolution confirming the expediency of such appointment is passed by a vote of two-thirds of all the members of the council. Where council requests Appointment

(2) The salary of such Police Magistrate, or Magistrates where the resolution provides that the appointment shall be made with salary, shall be paid at a rate determined by the council and approved by the Lieutenant-Governor in Council. Salaries.

25. Where there are more Police Magistrates than one, a division of their duties may be made by the Lieutenant-Governor in Council. R.S.O. 1914, c. 88, s. 6 (4), (5). Division of duties.

appointment
of female
magistrate.

26.—(1) Where the council of a city having a population of one hundred thousand or over by resolution declares that it is desirable that a woman should be appointed to be a Police Magistrate or Deputy Police Magistrate for such city, the Lieutenant-Governor in Council may appoint a woman to be a Police Magistrate or Deputy Police Magistrate accordingly and where there are more Police Magistrates than one for any city the appointment may be in addition to any Police Magistrate then in office or to fill an existing vacancy among the Magistrates.

Power to
appoint.

(2) Nothing in this section shall be construed as a declaration that women were at the time of the enactment of this section ineligible for appointment to the office of Police Magistrate. 1921, c. 41, s. 4.

Deputy
Police
Magistrates.

27.—(1) Where in the opinion of the Lieutenant-Governor in Council the due administration of justice requires the appointment of a Deputy Police Magistrate for a city or for a town having a population of not less than five thousand he may appoint a Deputy Police Magistrate accordingly who shall hold office during pleasure and without salary, but in the case of cities having a population of forty thousand or over the municipal council of a city may if it sees fit, provide for payment to him of a salary. 1915, c. 20, s. 11 (2).

Appointment
during
vacancy.

(2) The appointment may be made notwithstanding that the office of Police Magistrate is vacant. R.S.O. 1914, c. 88, s. 9 (2).

Powers and
duties.

28. The Deputy Police Magistrate shall have authority to perform all the duties of and incidental to the office of Police Magistrate. R.S.O. 1914, c. 88, s. 10.

Fees and
Salaries.

29. A Deputy Police Magistrate shall be entitled to collect the same fees and emoluments as a Justice of the Peace and where the Deputy Police Magistrate is paid by salary such fees and emoluments shall be paid to the municipality and the other provisions of section 15 shall also apply to such deputy. R.S.O. 1914, c. 88, s. 11.

Super-
annuation.

30. Where the Police Magistrate of a city or town has attained the age of seventy years the council of the city or town may by by-law provide for the payment to such Police Magistrate during his life-time of an annual sum by way of superannuation allowance. 1921 c. 41, s. 2.

SPECIAL PROVISIONS AS TO CITY OF TORONTO AND COUNTY OF YORK.

31. The Lieutenant-Governor in Council may appoint five Police Magistrates for the City of Toronto and may fix the salaries to be paid to such Magistrates.

Police
Magistrates
for the
City of
Toronto.

32. One of the Police Magistrates for the City of Toronto may be designated Senior Magistrate for the City of Toronto, and one of the Police Magistrates for the County of York may be designated Senior Magistrate for the County of York.

Senior
Magistrate
in City of
Toronto and
County of
York.

33. The Senior Magistrate for the County of York and the Senior Magistrate for the City of Toronto shall each within his jurisdiction have general supervision over the other Police Magistrates, and it shall be the duty of the Senior Magistrate and he shall have power,—

Duties
and powers
of Senior
Magistrate.

- (a) to designate the courts to be held by such Police Magistrates according to the classes of cases to be dealt with in such courts respectively;
- (b) to allocate to each of such courts the cases which shall be dealt with therein;
- (c) to assign to each of such courts one or more Police Magistrates;
- (d) to determine from time to time all matters of difference which may arise as to the proper court in which any particular case shall be dealt with;
- (e) to supervise and direct the Police Magistrates in the discharge of their duties;
- (f) to investigate all complaints which may arise as to the conduct of the Police Magistrates or any of them or any of the officers employed in connection with such courts;
- (g) to give such directions from time to time as he may deem desirable for the better conduct of the business of such courts;
- (h) to arrange for the sittings of such courts and to fix the time and place at which such sittings may be held;
- (i) to see that the returns required by any statute or regulation from police magistrates are duly made;

- (j) to report from time to time to the Attorney-General the result of any investigation made by him or the result of any inquiry undertaken by him under the direction of the Attorney-General or the Lieutenant-Governor in Council.

Judge of
Juvenile
Court to
be *ex-officio*
Police
Magistrate.

34. The Judge of the Juvenile Court of the City of Toronto shall be *ex officio* a Police Magistrate and shall have the like powers and may exercise the like duties as a Police Magistrate appointed under this Part, but under and subject to the supervision and direction of the presiding Magistrate as set out in section 33.

PART III

Appointments
with
extended
jurisdiction.

35. The Lieutenant-Governor in Council may appoint one or more Police Magistrates for any municipality, or for any number of adjacent municipalities or for any Provisional District or Districts or any part or parts thereof or for any municipality or municipalities and territory without municipal organization. 1921, c. 42, s. 3, *part*.

Salaries.

36.—(1) Every Police Magistrate appointed under this part may be paid an annual salary to be fixed by the Lieutenant-Governor in Council and such salary and all other expenses of the office shall be payable out of such sums as may be appropriated by the Legislature from time to time for the payment of salaries and expenses of Police Magistrates. 1921, c. 42, s. 4.

Audit of
accounts.

(2) All accounts relating to salaries and expenses under subsection one shall be audited as provided in Part IV of *The Administration of Justice Expenses Act*. *New*.

Need not
reside in
jurisdiction.

37. It shall not be necessary for a Police Magistrate appointed under this Part to be actually resident within the territory for which he is appointed. 1921, c. 42, s. 11.

Power to
hold court
etc. in city
or town.

38.—(1) A Police Magistrate appointed under this Part may sit or hold his court in any town or city within

the limits of a county or district any part of which is within his territorial jurisdiction, whether such town or city is or is not excluded from his jurisdiction, and may in any such city or town hear complaints and dispose thereof as Police Magistrate in respect of all matters arising within such territory and do therein all acts, matters and things in the discharge of the duties and powers of his office.

(2) A Police Magistrate appointed under this Part shall have the right to use any court room or town hall belonging to a county or municipality which is included in his territorial jurisdiction, but in so using a court room or town hall he shall not interfere with the ordinary use of the court room for the other courts or with the use of the town hall for the purposes for which the same is maintained. 1921, c. 42, s. 6.

Use of
court room
or hall.

39. The Lieutenant-Governor in Council may direct where any Police Magistrate appointed under this Part shall keep his office and may authorize the purchase, erection or rental of a suitable building or part of a building for the office of such Police Magistrate and for the holding of Police Magistrates Courts.

Offices and
court
rooms.

40. The Lieutenant-Governor in Council may make regulations with respect to Police Magistrates appointed under this Part,—

Regulations.

- (a) for appointing clerical and other assistants of a Police Magistrate, prescribing their duties and fixing their salary or other remuneration;
- (b) prescribing the equipment, arrangement and furnishings of Police Magistrates offices;
- (c) generally for the better carrying out of the provisions of this Part. 1921, c. 42, s. 12 *part.*

SCHEDULE.

ACTS AND PARTS OF ACTS REPEALED.

Rev. Stat. c. 87	The Justices of the Peace Act. Sections 24, 30.
Rev. Stat. c. 88	The Police Magistrates Act. The whole.
Rev. Stat. c. 100	The Niagara Falls Magistrates' Act. The whole.
Rev. Stat. c. 192	The Municipal Act. Subsections 1,2,3 & 4 of Section 353.
1914, c. 21.	The Statute Law Amendment Act, 1914. Section 21.
1915, c. 18.	The Toronto and Hamilton Highway Commission Act. Subsection 4 of section 17, as enacted by Sec. 9 of Chap. 18 of the Ontario Statutes 1918.
1915, c. 20.	The Statute Law Amendment Act, 1915. Section 11.
1916, c. 24.	The Statute Law Amendment Act, 1916. Section 15.
1917, c. 19.	The Toronto and Hamilton Highway Commission Act, 1917. Section 6.
1918, c. 20.	The Statute Law Amendment Act, 1918. Sections 18,19,20.
1919, c. 25.	The Statute Law Amendment Act, 1919. Section 12.
1921, c. 41.	The Police Magistrates Amendment Act, 1921. The whole.
1921, c. 42.	The Police Magistrates Extended Jurisdiction Act, 1921. The whole.

No. 73

3rd Session, 15th Legislature,
12 George V, 1921.

BILL

An Act respecting Magistrates

1st Reading,	27th February, 1922.
2nd Reading,	1922,
3rd Reading,	1922.

MR. RANNEY.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting Magistrates

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

PART I.

GENERAL PROVISIONS.

1. This Act may be cited as *The Magistrates Act, 1922*,^{Short title.} and shall come into force on the first day of July A. D., 1922.

2. The Acts and parts of Acts set out in the Schedule^{Repeal.} to this Act are repealed.

3. Every Police Magistrate shall be appointed by the Lieutenant-Governor in Council and shall hold office during pleasure. R.S.O., 1914, c. 88, s. 2.^{Appointment and tenure of office.}

4. A judge or junior judge of the County or District Court may be appointed a Police Magistrate under this Act.^{County Judge may be appointed.}

5.—(1) Every Police Magistrate and Deputy Police Magistrate before acting shall take the following oath of office and allegiance:—^{Oath.}

I, A. B., of the of in the County (or District) do swear that I will well and truly serve Our Sovereign Lord King George, (or the reigning Sovereign for the time being) in the office of Police Magistrate (or Deputy Police Magistrate, as the case may be) and I will do right to all manner of people according to law, without fear or favour, affection or ill will, So help me God.

A. B.

Sworn etc.

Oath to
be filed
with Clerk
of the Peace.

(2) The Oath of Office and Allegiance shall forthwith be transmitted or delivered by the Police Magistrate, or Deputy Police Magistrate to the Clerk of the Peace of the County or District within which the Police Magistrate or Deputy Police Magistrate is to act and shall be filed in the office of the Clerk of the Peace. (R.S.O., 1914, c. 88, s. 29.).

Prohibition
as to
practising
in magis-
trates courts.

6.—(1) No police Magistrate and no partner or clerk of a Police Magistrate shall act as agent, solicitor, or counsel in any cause, matter, prosecution or proceeding before a Police Magistrate or Justice of the Peace. R.S.O. 1914, c. 88, s. 32, (1).

Not to
engage in
any other
occupation
without
permission.

(2) Unless otherwise provided by Order-in-Council a Police Magistrate appointed under this Act shall not practise any profession or actively engage in any business, trade or occupation but shall devote his whole time to the performance of his duties as Police Magistrate. 1921, c. 42, s. 10, (Amended).

Conferring
special
jurisdiction.

7.—(1) Notwithstanding anything in this Act or in the Order-in-Council appointing a Police Magistrate, the Attorney-General of Ontario may at any time by writing under his hand, direct a Police Magistrate appointed under this Act to act in and for any part of Ontario, and a Police Magistrate to whom such direction is given shall have the same jurisdiction and powers within the territory in which he is so directed to act as within the territory named in the Order-in-Council appointing him.

Limitation
as to time.

(2) Any such direction may be limited as to the period during which the jurisdiction and powers of the Police Magistrate may be exercised or as to the class of cases to which such jurisdiction and powers may extend. 1918, c. 20, s. 19.

Ex officio
Justice of
the Peace.

8. Every Police Magistrate shall be *ex officio* a Justice of the Peace for the whole of any county or district for which, or for part of which, he is appointed. R.S.O., 1914, c. 88, s. 24.

Powers.

9. A Police Magistrate sitting as such or as *ex officio* a Justice of the Peace shall have power to do alone whatever is authorized to be done by two or more Justices of the Peace. R.S.O., 1914, c. 88, s. 28, amended.

10. In case of the illness or absence from his territorial jurisdiction of a Police Magistrate having sole jurisdiction or at his request, any other Police Magistrate having jurisdiction over any portion of the county or district shall have all the powers and may perform all the duties of the first mentioned Police Magistrate during such illness or absence or while acting at such request and shall also have jurisdiction and power to continue and complete any proceeding begun before him notwithstanding that the first mentioned Police Magistrate may have recovered or returned. R.S.O., 1914, c. 88, s. 34, amended.

Jurisdiction
of other
Magistrates
in case of
illness
absence, etc

11. In case there is no Police Magistrate available to act as provided in section 10 any two or more Justices of the Peace of the county or district may act within the jurisdiction of the Police Magistrate, in any matter which may be tried by two Justices of the Peace. R.S.O., 1914, c. 88, s. 26, amended.

When two
or more
justices
may act for

12. Nothing in this Act shall prevent one Justice of the Peace from acting for the Police Magistrate as provided in section 11 where by law one Justice of the Peace has jurisdiction. R.S.O. 1914, c. 88, s. 27 amended.

When one
Justice of
the Peace
may act.

13.—(1) Notwithstanding anything in any other Act contained no Justice of the Peace and no Police Magistrate except one having concurrent jurisdiction, shall admit to bail or discharge a prisoner or adjudicate upon or otherwise act after judgment in any case arising within the territorial jurisdiction of a Police Magistrate except in the case of the illness or absence or at the request of the said last mentioned Police Magistrate. 1921, c. 42, s. 5, (1), amended.

When
Justices
may not act

(2) Nothing in subsection 1 shall prevent any Police Magistrate or Justice of the Peace acting within his territorial jurisdiction, from taking an information or issuing a search warrant or summons or warrant returnable before a Police Magistrate having jurisdiction to try the case or from hearing and determining a prosecution under a by-law of any municipality.

Justice
may take
information,
issue
warrant etc

Attendance
on holidays
not re-
quired.

14. Except in case of urgent necessity a Police Magistrate shall not be required to attend at the police office on a holiday or on any day set apart by the municipal council as a civic holiday. R.S.O., 1914, c. 88, s. 33.

Collection
of fees.

15. A Police Magistrate shall be entitled to collect the same fees and emoluments as a Justice of the Peace and where a Police Magistrate is paid by salary, the fees and emoluments received by him as Police Magistrate shall be paid to the municipality if the salary is provided by such municipality, but if the salary is provided by the Crown such fees and emoluments shall be paid to the Treasurer of Ontario, but this section shall not authorize the imposition of such fees by a Police Magistrate who is paid by salary upon any officer or constable in the employ of the Provincial Government in respect of a case or complaint prosecuted by him. R.S.O., 1914, c. 88, s. 30; 1921, c. 42, s. 7.

Returns.

16.—(1) Every Police Magistrate shall make such returns to the Clerk of the Peace, the Inspector of Legal Offices and to such other municipal or other Provincial officers as the Regulations may direct.

Restriction
in appli-
cation of
Rev. Stat.
c. 87.

(2) Notwithstanding anything contained in *The Justices of the Peace Act*, Parts 2 and 3 of the said Act shall not apply to Police Magistrates.

Fees of
Clerk of
the Peace.

(3) The Clerk of the Peace shall be entitled to the same fees for any services performed in respect to returns made by Police Magistrates as in the case of returns made by Justices of the Peace.

Regulations.

17.—(1) Notwithstanding anything in any other Act contained the Lieutenant-Governor in Council may make Regulations,—

- (a) Prescribing the office hours of Police Magistrates; 1921, c. 42, s. 12 (b).
- (b) fixing the period and manner in which fines, fees and emoluments payable to the Treasurer of Ontario under this or any other Act shall be paid over by Police Magistrates; 1921, c. 42, s. 12 (f).

- (c) providing for the inspection of the office, the books and accounts of Police Magistrates and for the appointment of an inspector for that purpose and defining the powers and duties of such inspector; 1921, c. 42, s. 12 (g) (*amended*).
- (d) providing for the appointment or employment of a stenographic reporter to take down evidence before a Police Magistrate and fixing the remuneration of such reporter and the fees and charges for his services and for defining the class of cases in which stenographic reporters may be employed and the terms and conditions of such employment; 1921, c. 41, s. 3, *part*; 1921, c. 42, s. 12 (h) *part*.
- (i) Regulations may provide that the remuneration of the stenographic reporter shall be paid by the municipal corporation or by the parties to any proceeding before the Magistrate as part of the costs in the case or partly by one method and partly by the other, and where the remuneration is made payable by the municipal corporation, the Regulations may provide for the allowance of a charge for stenographic reporting as a part of the costs in any case in which a stenographic report of the proceedings has been taken.
- (e) respecting the returns to be made by Police Magistrates; *new*.
- (f) generally for the better carrying out of the provisions of this Act; 1921, c. 42, s. 12 (i).

(2) Any such regulation may be general or particular in its application and may provide for the imposing of penalties for breach of the regulations and the recovery of such penalties under *The Ontario Summary Convictions Act* or in such other manner as the Lieutenant-Governor in Council may prescribe. *New*.

Regulations
general or
particulars.

Penalties.

PART II

POLICE MAGISTRATES IN CITIES AND TOWNS.

To be
appointed
with salary
for cities
and certain
towns.

18.—(1) There shall be a salaried Police Magistrate for every city and for every town having a population of five thousand or over. R.S.O. 1914, c. 88, s. 3 *part*.

In other
towns.

(2) Where the council of a town having a population of less than five thousand, by resolution passed by a vote of two-thirds of all the members of the council, affirms that it is expedient that a salaried Police Magistrate be appointed for the town and names the amount of the salary to be paid, the Lieutenant-Governor in Council may appoint a salaried Police Magistrate for the town accordingly.


Population
how de-
termined.

19. In estimating the population of a city or town the last Dominion census shall govern unless there has been a subsequent enumeration by the assessors of the city or town in which case such enumeration shall govern. R.S.O. 1914, c. 88, s. 12 (1).

Authority
for appoint-
ment not
to be
questioned
as to
population.

20. Where the authority of the Lieutenant-Governor in Council to appoint a Police Magistrate or deputy Police Magistrate depends upon the population of the city, town or place for which the appointment is to be made, no appointment purporting to be made under the authority of this Act shall be open to question on the ground that the population was not in fact such as to authorize the making of the appointment. R.S.O. 1914, c. 88, s. 12 (2).

Rate of
salary.


 **21.** Notwithstanding anything in any other general or special Act contained and except as otherwise provided herein every Police Magistrate appointed for a city or town having a population of 5,000 or over under this part shall be paid a salary,—

(a) In a city having a population of eighty thousand or over not less than \$4,500 per annum;

(b) In a city having a population of more than

forty thousand and less than eighty thousand, not less than \$3,600 per annum;

- (c) In a city having a population of more than eighteen thousand and less than forty thousand, not less than \$2,400 per annum;
- (d) In a city or town having a population of more than eight thousand and less than eighteen thousand, not less than \$1,500 per annum;
- (e) In a town having a population of more than six thousand and less than eight thousand, not less than \$1,200 per annum;
- (f) In a town having a population of five thousand and less than six thousand, not less than \$900 per annum;

provided, however, that nothing in this section contained shall apply to the Police Magistrate of the City of Kingston now in office. 

22. The salary of every Police Magistrate shall be paid Payment to be monthly. by the corporation of the city or town at least monthly and shall be apportionable to the date of the death of the Magistrate or of his vacating his office. R.S.O. 1914, c. 88, s. 7, *amended*.

23. A municipal council shall not reduce the salary of Not to be reduced without authority. a Police Magistrate or Deputy Police Magistrate without the sanction of the Lieutenant-Governor in Council. R.S.O. 1914, c. 88, s. 17.

24.—(1) The Lieutenant-Governor in Council may Where council requests Appointment appoint an additional Police Magistrate or Police Magistrates for any city if a resolution confirming the expediency of such appointment is passed by a vote of two-thirds of all the members of the council.

(2) The salary of such Police Magistrate, or Magistrates Salaries. where the resolution provides that the appointment shall be made with salary, shall be paid at a rate determined by the council and approved by the Lieutenant-Governor in Council.

25. Where there are more Police Magistrates than one, a Division of duties. division of their duties may be made by the Lieutenant-Governor in Council. R.S.O. 1914, c. 88, s. 6 (4), (5).

Appointment
of female
magistrate.

26.—(1) Where the council of a city having a population of one hundred thousand or over by resolution declares that it is desirable that a woman should be appointed to be a Police Magistrate or Deputy Police Magistrate for such city, the Lieutenant-Governor in Council may appoint a woman to be a Police Magistrate or Deputy Police Magistrate accordingly and where there are more Police Magistrates than one for any city the appointment may be in addition to any Police Magistrate then in office or to fill an existing vacancy among the Magistrates.

Power to
appoint.

(2) Nothing in this section shall be construed as a declaration that women were at the time of the enactment of this section ineligible for appointment to the office of Police Magistrate. 1921, c. 41, s. 4.

Deputy
Police
Magistrates.

27.—(1) Where in the opinion of the Lieutenant-Governor in Council the due administration of justice requires the appointment of a Deputy Police Magistrate for a city or for a town having a population of not less than five thousand he may appoint a Deputy Police Magistrate accordingly who shall hold office during pleasure and the Municipal Council may if it sees fit, provide for payment to him of a salary. 1915, c. 20, s. 11 (2).

Appointment
during
vacancy.

(2) The appointment may be made notwithstanding that the office of Police Magistrate is vacant. R.S.O. 1914, c. 88, s. 9 (2).

Powers and
duties.

28. The Deputy Police Magistrate shall have authority to perform all the duties of and incidental to the office of Police Magistrate. R.S.O. 1914, c. 88, s. 10.

Fees and
Salaries.

29. A Deputy Police Magistrate shall be entitled to collect the same fees and emoluments as a Justice of the Peace and where the Deputy Police Magistrate is paid by salary such fees and emoluments shall be paid to the municipality and the other provisions of section 15 shall also apply to such deputy. R.S.O. 1914, c. 88, s. 11.

Super-
annuation.

30. Where the Police Magistrate of a city or town has attained the age of seventy years the council of the city or town may by by-law provide for the payment to such Police Magistrate during his life-time of an annual sum by way of superannuation allowance. 1921 c. 41, s. 2.

SPECIAL PROVISIONS AS TO CITY OF TORONTO

31. The Lieutenant-Governor in Council may appoint *four* Police Magistrates for the City of Toronto and may fix the salaries to be paid to such Magistrates.

Police
Magistrates
for the
City of
Toronto.

32. One of the Police Magistrates for the City of Toronto may be designated Senior Magistrate for the City of Toronto.

Senior
Magistrate
in City of
Toronto and
County of
York.

33. The Senior Magistrate for the City of Toronto shall within his jurisdiction have general supervision over the *official duties of the* other Police Magistrates and it shall be the duty of the Senior Magistrate and he shall have power,—

Duties
and powers
of Senior
Magistrate.

- (a) to designate the courts to be held by such Police Magistrates according to the classes of cases to be dealt with in such courts respectively;
- (b) to allocate to each of such courts the *classes of* cases which shall be dealt with therein;
- (c) to assign to each of such courts one or more Police Magistrates;
- (d) to determine from time to time all matters of difference which may arise as to the proper court in which any particular case shall be dealt with;
- (e) to investigate all complaints which may arise as to the conduct of the Police Magistrates or any of them or any of the officers employed in connection with such courts;
- (f) to give such directions from time to time as he may deem desirable for the better conduct of the business of such courts;
- (g) to arrange for the sittings of such courts and to fix the time and place at which such sittings may be held;
- (h) to see that the returns required by any statute or regulation from police magistrates are duly made;

Judge of
Juvenile
Court to
be *ex-officio*
Police
Magistrate.

34. The Judge of the Juvenile Court of the City of Toronto shall be *ex officio* a Police Magistrate and shall have the like powers and may exercise the like duties as a Police Magistrate appointed under this Part, but under and subject to the supervision and direction of the presiding Magistrate as set out in section 33.

PART III

Appointments
with
extended
jurisdiction.

35. The Lieutenant-Governor in Council may appoint one or more Police Magistrates for any municipality, or for any number of adjacent municipalities or for any Provisional District or Districts or any part or parts thereof or for any municipality or municipalities and territory without municipal organization. 1921, c. 42, s. 3, *part*.

Salaries.

36.—(1) Every Police Magistrate appointed under this part may be paid an annual salary to be fixed by the Lieutenant-Governor in Council and such salary and all other expenses of the office shall be payable out of such sums as may be appropriated by the Legislature from time to time for the payment of salaries and expenses of Police Magistrates. 1921, c. 42, s. 4.

Audit of
accounts.

(2) All accounts relating to salaries and expenses under subsection one shall be audited as provided in Part IV of *The Administration of Justice Expenses Act*. *New*.

Need not
reside in
jurisdiction.

37. It shall not be necessary for a Police Magistrate appointed under this Part to be actually resident within the territory for which he is appointed. 1921, c. 42, s. 11.

Power to
hold court
etc. in city
or town.

38.—(1) A Police Magistrate appointed under this Part may sit or hold his court in any town or city within the limits of a county or district any part of which is within his territorial jurisdiction, whether such town or city is or is not excluded from his jurisdiction, and may in any such city or town hear complaints and dispose thereof as Police Magistrate in respect of all matters arising within such territory and do therein all acts, matters and things in the discharge of the duties and powers of his office.

(2) A Police Magistrate appointed under this Part shall have the right to use any court room or town hall belonging to a county or municipality which is included in his territorial jurisdiction, but in so using a court room or town hall he shall not interfere with the ordinary use of the court room for the other courts or with the use of the town hall for the purposes for which the same is maintained. 1921, c. 42, s. 6.

Use of
court room
or hall.



(3) Where a Police Magistrate sits or holds his Court in a Court Room or town hall belonging to a municipality for the trial of an offence committed outside the limits of such municipality, the municipality owning such court room or town hall shall be paid by the municipality within whose territory the offence was committed remuneration for the use of the court room or town hall and in the event of controversy as to the proper amount of such remuneration, the same shall be determined by the inspector appointed under the Act.

Where court
room or hall
in municipality
other than
that in which
offence
committed.

39.—(1) Where a Police Magistrate is appointed with jurisdiction over a county, it shall be the duty of the corporation of the county to provide a suitable office, furniture, stationery and other accommodation for the Police Magistrate, in accordance with the regulations made under this Part.

Offices and
court
rooms.

(2) Where a Police Magistrate is appointed for a Provisional Judicial District the Lieutenant-Governor in Council may authorize the purchase, erection or rental of a suitable building or part of a building for the office of such Police Magistrate.

In Provisional
Judicial
District.



40. The Lieutenant-Governor in Council may make regulations with respect to Police Magistrates appointed under this Part,—

Regulations

- (a) for appointing clerical and other assistants of a Police Magistrate, prescribing their duties and fixing their salary or other remuneration;
- (b) prescribing the equipment, arrangement and furnishings of Police Magistrates offices;
- (c) generally for the better carrying out of the provisions of this Part. 1921, c. 42, s. 12 *part.*

SCHEDULE.

ACTS AND PARTS OF ACTS REPEALED.

Rev. Stat. c. 87	The Justices of the Peace Act. Sections 24, 30.
Rev. Stat. c. 88	The Police Magistrates Act. The whole.
Rev. Stat. c. 100	The Niagara Falls Magistrates' Act. The whole.
1914, c. 21.	The Statute Law Amendment Act, 1914. Section 21.
1915, c. 18.	The Toronto and Hamilton Highway Commission Act. Subsection 4 of section 17, as enacted by Sec. 9 of Chap. 18 of the Ontario Statutes 1918.
1915, c. 20.	The Statute Law Amendment Act, 1915. Section 11.
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1917, c. 19.	The Toronto and Hamilton Highway Commission Act, 1917. Section 6.
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1919, c. 25.	The Statute Law Amendment Act, 1919. Section 12.
1921, c. 41.	The Police Magistrates Amendment Act, 1921. The whole.
1921, c. 42.	The Police Magistrates Extended Jurisdiction Act, 1921. The whole.

No. 73.

3rd. Session, 15th. Legislature,
12 George V, 1922.

BILL.

An Act respecting Magistrates

1st Reading,	27th February, 1922.
2nd Reading,	10th April, 1922.
3rd Reading,	1922.

*(Reprinted as amended in Committee of
the Whole House.)*

MR. RANNEY.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Land Transfers Tax Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Land Transfers Tax Act*, 1922. Short title.

2. Section 2 of *The Land Transfers Tax Act* is amended ^{1921,} by adding at the commencement thereof the words “Not ^{c. 13, s. 2,} ~~withstanding~~ ^{amended.} anything to the contrary in *The Registry Act*”, so that the section will now read as follows:—

2. Notwithstanding anything to the contrary ^{Tax on} in *The Registry Act* a tax of one-fifth of ^{transfers} one per centum upon the amount of the purchase price shall be paid by the party registering same upon every transfer, conveyance, deed, instrument, or writing whereby any land, tenements or other realty sold shall be granted, assigned, transferred or otherwise, conveyed to or vested in the purchaser or purchasers, or in any other person or persons by his, her or their direction. ^{of land.}

3. Section 6 of *The Land Transfers Tax Act* is amended ^{1921,} by adding after the word “purchaser” in the first line the ^{c. 13, s. 6,} words “or the vendor, or the agent of either of them” so ^{amended.} that the section will now read as follows:—

6. The purchaser or vendor, or the agent of ^{Affidavit} either of them shall make and file with the ^{of purchaser.} registrar or Master an affidavit showing the full and true amount of the moneys and the value of any property or security given as consideration.

4. This Act shall come into force and take effect on the ^{Commence-} day upon which it receives the Royal Assent. ^{ment of Act.}

No. 74.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act to amend The Land Trans-
fers Tax Act.

1st Reading, 27th February, 1922.
2nd Reading, 1922.
3rd Reading, 1922.

MR. SMITH.

TORONTO:
PRINTED BY CLARSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Land Transfers Tax Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Land Transfers Tax Act*, 1922.

1921,
c. 13, s. 2,
amended.

2. Section 2 of *The Land Transfers Tax Act* is amended by adding at the commencement thereof the words "Notwithstanding anything to the contrary in *The Registry Act*", so that the section will now read as follows:—

Tax on
transfers
of land.

2. Notwithstanding anything to the contrary in *The Registry Act* a tax of one-fifth of one per centum upon the amount of the purchase price shall be paid by the party registering same upon every transfer, conveyance, deed, instrument, or writing whereby any land, tenements or other realty sold shall be granted, assigned, transferred or otherwise, conveyed to or vested in the purchaser or purchasers, or in any other person or persons by his, her or their direction.

3. Section 6 of *The Land Transfers Tax Act* is repealed and the following substituted therefor:—

1921,
c. 13, s. 6,
repealed.

6.—(1) There shall be filed with the Registrar or Master an affidavit setting out the true consideration for the sale or transfer and the full and true amount in cash and the value of any property or security included in such consideration, and the amount or value of any lien or incumbrance subject to which such sale or transfer was made.

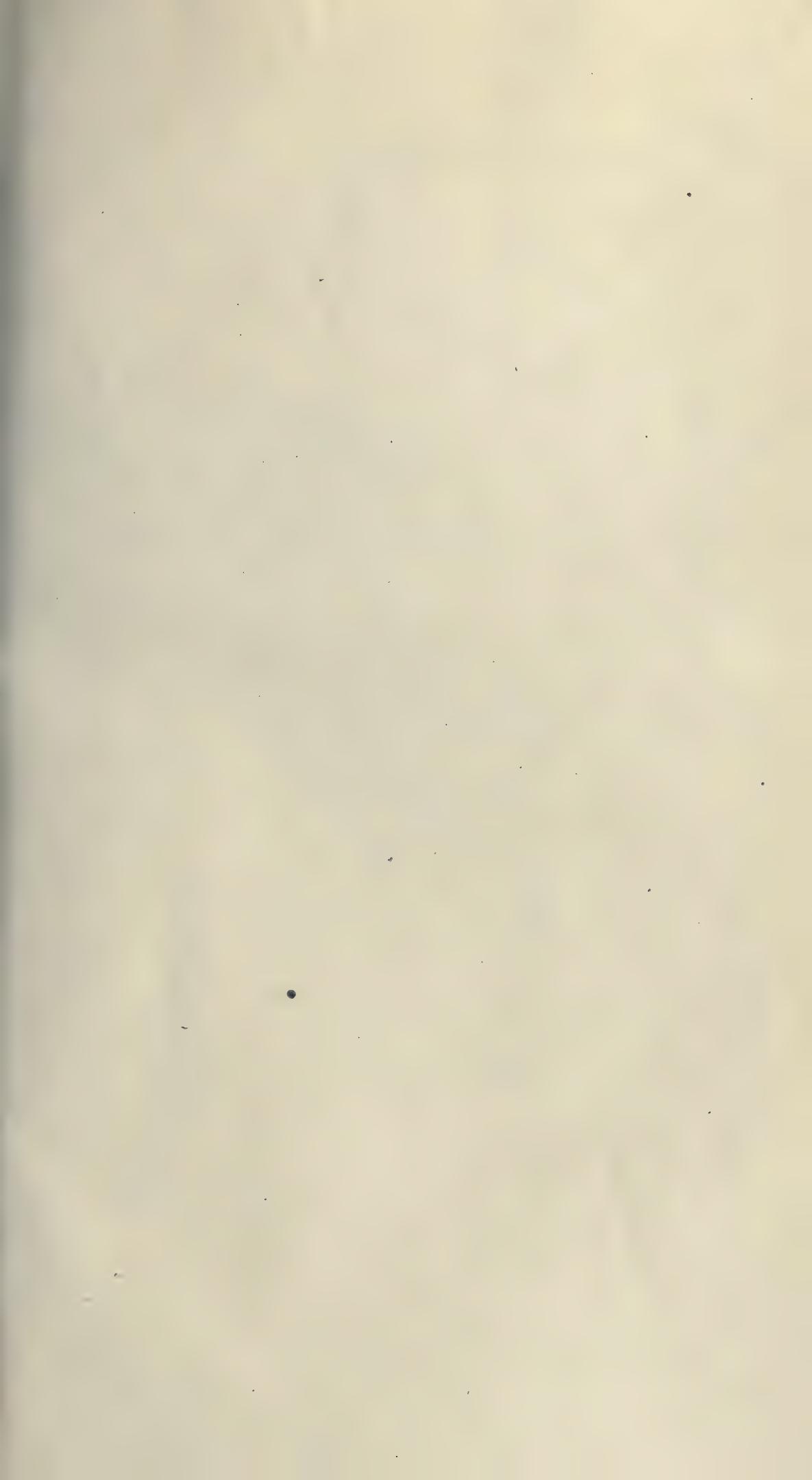
- (2) The affidavit may be made by the purchaser or vendor or by any person acting for them under a power of attorney, or by an agent accredited in writing by the purchaser or vendor, or by the solicitor for either of them.
- (3) The affidavit shall state that the person making the same has personal knowledge of the facts stated in the affidavit.
- (4) Where the affidavit is made by the vendor or any person acting as attorney, agent or solicitor for the vendor, the vendor shall be personally liable to the Treasurer of Ontario jointly and severally with the purchaser for the amount of the tax payable under this Act.
- (5) Where the vendor is compelled to pay the tax payable under this Act or any part thereof, he shall have the right to recover any amount of such payment from the purchaser in an action in any court of competent jurisdiction.

Regulations.

4. The Lieutenant-Governor in Council may make regulations prescribing the form of affidavit referred to in section 6 and generally for the better carrying out of the provisions of this Act.

Commence-
ment of Act.

5. This Act shall come into force and take effect on the day upon which it receives the Royal Assent.



No. 74.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act to amend The Land Trans-
fers Tax Act.

1st Reading, 27th February, 1922.
2nd Reading, 6th March, 1922.
3rd Reading, 1922.

(*Reprinted.*)

MR. SMITH.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

No. 75.

1922.

BILL

An Act to amend The Ontario Railway Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 7 of *The Ontario Railway Act* is amended by inserting after the figures "176" in the third line thereof, the figures "177." Rev. Stat. c. 185, s. 7, amended.

2. Section 210 of *The Ontario Railway Act* is repealed and the following substituted therefor:— Rev. Stat. c. 185, s. 210, repealed.

210. Notwithstanding anything to the contrary contained in any agreement with a municipal or other corporation or person or in any special Act, the fare to be taken by a company on a railway operated by electricity shall be such as shall be approved of by the board, and no fare shall be charged upon such railway which has not been so approved.

3. Section 231 of *The Ontario Railway Act* is amended by striking out the words "within the maximum hereinbefore mentioned" in clause (i) thereof and substituting therefor "subject to the provisions of section 210." Rev. Stat. c. 185, s. 231, amended.

No. 75.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL

An Act to amend The Ontario Railway
Act.

1st Reading,	27th February, 1922.
2nd Reading,	1922.
3rd Reading,	1922.

MR. COOPER,
Welland.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Ontario Railway Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 7 of *The Ontario Railway Act* is amended by Rev. Stat. c. 185, s. 7, amended. inserting after the figures "176" in the third line thereof, the figures "177."



2. Section 210 of *The Ontario Railway Act* is repealed Rev. Stat. c. 185, s. 210, repealed. and the following substituted therefor:—

210. Notwithstanding anything to the contrary contained in any agreement with a municipal or other corporation or person, the fare to be taken by a company on a railway operated by electricity shall be such as shall be approved of by the board, and no fare shall be charged upon such railway which has not been so approved. The approval of the board may be given subject to such terms and conditions as it may deem proper.



3. Section 231 of *The Ontario Railway Act* is amended Rev. Stat. c. 185, s. 231, amended. by striking out the words "within the maximum hereinbefore mentioned" in clause (i) thereof and substituting therefor "subject to the provisions of section 210."

No. 75.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL

An Act to amend The Ontario Railway
Act.

1st Reading, 27th February, 1922.
2nd Reading, 15th March, 1922.
3rd Reading, 1922.

*(Reprinted as amended by the
Railway Committee.)*

MR. COOPER,
Welland.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Private Detectives Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Private Detectives Act*, Short title.
1922.

2. Section 2 of *The Private Detectives Act* is repealed Rev. Stat.
and the following substituted therefor:— c. 177, s. 2,
repealed.

2. No person shall engage in the business of License
private detective, industrial service agency required.
or investigator for hire or reward, or advertise as, or his business to be that of a detective or detective agency, or indicate in any letter, document or paper that he is engaged in the business of private detective or industrial service agency without having first obtained from the Treasurer of Ontario a license so to do as hereinafter provided.

2a. No person shall engage in the business License to
of furnishing or supplying for hire or reward, information as to the personal information
character of any person, or as to the bureau
character or kind of business or occupation of any person, or own or conduct or maintain a bureau or agency for any of the above mentioned purposes without first having obtained from the Treasurer of Ontario as hereinafter provided, a or agency.
cense so to do for each bureau or agency and for each and every sub-agency office and branch office, owned, conducted or maintained by such person for the conduct of such business.

Exception as
to mercantile
agencies.

- 2b. Nothing in the two next preceding sections shall apply to or affect any person carrying on a business or agency for the purpose of supplying information to subscribers as to the financial rating of persons or firms.

Rev. Stat.
c. 177, s. 3
amended.

3. Section 3 of *The Private Detectives Act* is amended by striking out the figures "\$2,000" in the fifth line and inserting in lieu thereof the figures "\$3,000", so that the section will now read as follows:—

Application
for license.

3. Any person desiring the license in section 2 of this Act mentioned, shall apply in writing, Form 1, to the Treasurer of Ontario, and shall enter into a bond, approved by the Treasurer, with two sufficient sureties or executed by a guarantee company, in the sum of \$3,000 for the faithful, honest and lawful conduct of such business by such applicant.

Rev. Stat.
c. 177,
amended.

4. *The Private Detectives Act* is amended by adding thereto the following section:—

Licensees
not to be
collectors.

- 4a. A licensee under this Act shall not act as a collector of accounts, or undertake, or hold himself, or advertise as undertaking to collect accounts for any person either with or without remuneration.

Rev. Stat.
c. 177,
amended.

5. *The Private Detectives Act* is further amended by adding thereto the following section:—

Returns as
to employees
of license.

9. Every licensee under this Act shall furnish the Superintendent of Provincial Police with a list showing the name and place of residence of all persons employed by the licensee as private detectives, industrial service operatives or investigators, and when any person so employed ceases to be employed, or his employment is changed, or any additional person is employed, such change shall be notified by the licensee, in writing, to the Superintendent of Provincial Police within forty-eight hours after such change takes place.

Commence-
ment of Act.

6. This Act shall come into force and take effect on the day upon which it receives the Royal Assent.

No. 76.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act to amend The Private De-
tectives Act.

1st Reading, 27th February, 1922.
2nd Reading, 1922.
3rd Reading, 1922.

MR. SMITH.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

No. 77.

1922.

BILL

An Act to amend The Assessment Act

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows.—

1.—(1) Paragraphs 3, 4, 9, 10 and 12 of section 5 of *The Assessment Act* are repealed. Rev. Stat.
c. 195, s. 5
amended.

(2) Paragraph 2 of section 5 of *The Assessment Act* is repealed and the following substituted therefor:

2. Every churchyard, cemetery or burying ground when located in townships, villages or towns.

No. 77.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act to amend The Assessment Act.

1st Reading,	28th February, 1922.
2nd Reading,	1922.
3rd Reading,	1922.

MR. LEWIS.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Municipal Act.

THIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 56 of *The Municipal Act* is amended by adding thereto the following subsection:

Rev. Stat.
c. 192, s. 56,
amended.

- (8) The husband, wife or mother of a person entered or entitled to be entered on the voters' list, not being entitled under *The Assessment Act* to be entered on the assessment roll, who resides with such person shall be entitled to be entered on the voters' list and to vote if he or she possesses the other qualifications required by the provisions of the preceding subsections of this section.

Husband, wife
and mother
of voter
qualified.

No. 78.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL

An Act to amend The Municipal Act.

1st Reading,	28th February, 1922.
2nd Reading,	1922.
3rd Reading,	1922.

Mr. MacBride.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Rev. Stat.
c. 192, s. 101
(2) amended.

1. Subsection 2 of section 101 of *The Municipal Act* is amended by striking out the word "city" in the first line and inserting in lieu thereof the word "municipality", and by striking out the words "until seven o'clock in the afternoon" in the third line and inserting in lieu thereof the words "from eight o'clock in the forenoon until six o'clock in the afternoon" so that the subsection as so amended will read as follows:

- (2) The council of a municipality may by by-law passed before the 15th day of November in any year extend the time for keeping open the polls from eight o'clock in the forenoon until six o'clock in the afternoon.

No. 79.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL.

An Act to amend The Municipal Act

1st Reading,	28th February, 1922.
2nd Reading,	1922.
3rd Reading,	1922.

MR. GRAY.

TORONTO:
PRINTED BY CLARKSON W. JAMES,
Printer to the King's Most Excellent Majesty.

No. 80.

1922.

BILL

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 5 of *The Assessment Act* is amended by inserting the following paragraph: Rev. Stat. c. 195, s. 5, amended.

20b A widow keeping house shall be deemed to be a householder within the meaning of paragraphs 20 and 20a, and a widow having children dependent upon her under eighteen years of age shall be entitled to the exemption provided in paragraph 20a. Exemption of widow's income.

No. 80.

3rd Session, 15th Legislature,
12 George V, 1922.

BILL

An Act to amend The Assessment Act.

1st Reading,	28th February, 1922.
2nd Reading,	1922.
3rd Reading,	1922.

MR. MAC BRIDE.

TORONTO:
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Printer to the King's Most Excellent Majesty.

